

out while waiting for a green card. This provision would not increase the number of green cards. It would not provide any special benefits. It would simply allow children of immigrant workers to keep their place in line for a green card and to be protected from deportation until they can get their green card.

Second, my amendment would delay the bill section that changes the distribution of green cards by 1 year. This provision, which Senator LEE actually proposed earlier this year, would not replace the hold-harmless provision; however, it would allow processing time for immigrants with pending applications to get their green cards.

Third, my amendment would allow for immediate implementation of the 50-50 H-1B visa rule. I was told that the purpose of delaying it 3 years was to protect those currently working for these companies. So instead of the 3-year delay, my amendment would exempt renewals for current H-1B employees, which gives current employees the chance to apply for early filing without creating a loophole for outsourcing firms.

What I offered Senator LEE after months and months of deliberation and negotiation was a good-faith effort to find common ground. There are so many lives at stake. So many families are following this debate because it literally will decide the fate of each of these individuals who are applying for the green cards and members of their family.

It is heartbreaking to meet these families who have been waiting for years for a green card and to realize that the limitations of our system today make it so difficult. Many of these are good, hard-working people in America who are doing the right thing.

In my hometown of Springfield, IL, there are physicians whom I have met and talked to personally who have driven hundreds of miles to plead their case with me. This one physician brought his young daughter; I think she was about 12 years old. I haven't forgotten her to this day. She traveled 200 miles to beg me to try to help. That is why I came in with this amendment in an effort to protect her and give her family a chance to be part of America's future.

I will now request unanimous consent to pass my amendment.

Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1044 and the Senate proceed to its immediate consideration; further, that the Durbin substitute amendment at the desk be considered agreed to; the bill, as amended, be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER (Mr. COTTON). Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, I want to thank and

appreciate the work done by my friend, my distinguished colleague, the senior Senator from Illinois.

Senator DURBIN and I have worked on many issues. We spent a lot of time working on this particular bill. In our most recent round of negotiations, he made a number of suggestions, and we incorporated many of those. I wish we could incorporate all of them.

For the reasons that I gave a couple of weeks ago when we went through this, there are some of them that I unfortunately can't agree to because they would result in our inability to proceed. On that basis, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

UNANIMOUS CONSENT REQUEST

Mr. LEE. Mr. President, we are living in some really unprecedented times. The economic impact of this global pandemic on our Nation, our people, and our communities has been nothing short of devastating. Within weeks of the start of this pandemic, we went from being one of the best economies that the world has ever seen to some of the deepest levels of unemployment we have ever seen.

While the unemployment rate improves each month, countless Americans are still suffering from business closures, from layoffs, and from furloughs.

Ultimately, the best economic stimulus we can offer in this hour of need is to foster opportunities for Americans to find meaningful work and to achieve economic independence. We have to ensure that our immigration system does not punitively disadvantage our own citizens from working in their chosen field, does not create unnecessary obstacles to achieving economic independence, and that it does not unnaturally depress wages.

I echo President Trump's bold call to put America's interests first as we work toward economic recovery.

During this economic crisis, the Tennessee Valley Authority, a federally owned entity, made the decision to furlough its American workers and replace them with contractors who rely on work-based immigrant labor. Many of these same outsourcing companies are able to conduct operations for far less money because they pay immigrant workers below market wages and require them to work, in some circumstances, under terrible conditions.

It was never the intention of any employment-based visa program to crowd out American workers in this way or to allow for the exploitation of legal immigrant workers. I fully support President Trump in making that clear in his actions earlier this week.

Let me be clear. This legislation, S. 386, Fairness for High-Skilled Immigrants Act, does not add a single green card or additional visa to the current numbers. No. It only lifts the per-country caps on applications for green cards

for immigrants who are already here. So it doesn't add to the number; it just lifts this artificial, arbitrary per-country cap.

In times of high unemployment, if we need to reform other work-based immigration programs that protect American workers, let's do it. If we need to end the optional practical training program to ease the burden on American graduates entering the economy, let's do it. If we need to reform the H-1B program and make significant reductions in the number of work-based immigrants who come into this country, let's talk about that.

I support these reforms, and that is why I worked with Senators GRASSLEY and DURBIN, among so many others in this body, to add significant reforms to the H-1B program, to the Fairness for High-Skilled Immigrants Act. This includes a reduction in the number of work-based visa holders that any one company may lawfully sponsor. This reform, included at Senator DURBIN's request, is a good one, and it aims to protect not only American workers but immigrants as well by significantly curbing the system that allows for both the exploitation of visa holders and the depression of wages for all employees in a given sector. Its passage into law will increase the opportunity for Americans to compete for these positions.

The bill also includes provisions strengthening the Department of Labor's ability to enforce and investigate claims that employers are providing less than fair wages and working conditions for immigrant workers, requiring employers to disclose more information regarding their H-1B hiring practices and ensuring that employers may not use other visas to circumvent the H-1B caps.

We must put Americans first. These provisions seek to do just that. Unless we are willing to completely end the work-based visa programs, we have an obligation to ensure they are administered and allocated in accordance with the principles that we espouse as Americans.

My goal in sponsoring this legislation many years ago—nearly a decade ago, in fact—was simply to bring some equity into this system.

I have always been struck by the fact that the government has conditioned a benefit—in this case, a green card and a pathway to citizenship, given that this is a series of immigrant visa programs at issue—based solely on the applicants' country of origin.

There may have been some legitimate reason many decades ago, in fact, for this. I almost can't think of what those legitimate reasons might have been. Regardless, this has led to a system that largely discriminates against green card applicants from one country—and I mean literally one country. This is inconsistent with our founding principles. This is not how we try to do things as Americans. And it is not right.

Today, if you are a work-based immigrant from India entering into the EB-2 green card application process, you will wait almost 200 years before your application is even considered solely because of where you were born—almost 200 years on a waiting list. Some people don't even live that long. Our country isn't much older than that. Yet that is the amount of time they would have to wait based solely on the basis of the country in which they were born. If you are born anywhere else—anywhere else other than China; say in Ghana, Sweden, Indonesia—basically any other country other than India, your application will be considered immediately.

This sort of discrimination is simply inconsistent with the principles of an America-based immigration system and with our founding principles and the principles that unite us as Americans.

Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to H.R. 1044; further, that the Lee amendment at the desk be agreed to, the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Utah for his response to my proposal. My staff reviewed his amendment yesterday. We quickly reviewed the language, and I would like to share my reactions.

Senator LEE does not include my language to protect children of immigrant workers from aging out during the delay in early filing because of objections on his side of the aisle. I am disappointed.

Senator LEE's amendment would modify my proposal to allow immediate implementation of the 50-50 rule, so the rule would go into effect after 180 days.

Senator LEE would also provide that current H-1B employees may continue to change employers. My purpose is to prevent outsourcing from continuing to exploit the H-1B visa program by hiring new H-1B employees. Senator LEE's language would not allow these companies to import new H-1B workers to exploit, so that is not objectionable to me. Senator LEE's amendment also accepts my proposal to delay by 1 year the bill section changing the distribution of green cards to allow processing time for pending applications.

To sum up, this amendment currently being considered, for which unanimous consent has been asked, includes several key provisions I have advocated for that were not in Senator LEE's original bill, including early filing to protect immigrant workers and their families who are stuck in the backlog; an annual green card set-aside

for immigrant workers who are ineligible for early filing because they are overseas; a 1-year delay in section 2 of the bill to protect immigrant workers with pending green card applications; and the 50-50 rule to protect American jobs and workers and to prevent the exploitation of immigrant workers, which helped to create the green card backlog.

Therefore, I am prepared to accept this amendment in the spirit of bipartisan compromise. I will not object to Senator LEE's request.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, in reserving the right to object, I fully appreciate the hard work my colleagues have put into this measure. Florida is an immigration State, and we value our diversity.

We also need to fix our immigration system so it makes sense. That starts with securing our border. I have heard from many of my constituents about this bill because it impacts so many people in my State, including those who came to Florida from Latin America. We also have to help those who are escaping Communist China's crack-down on freedoms in Taiwan and Hong Kong.

I offer an amendment today to make sure we are not creating an unfair system that favors certain nations or that would disadvantage immigrants who don't happen to be from the nations that are the largest drivers of the employment-based visa backlog that we see today. I know my colleagues share my desire to preserve the diversity of our Nation, and I look forward to their accepting my amendment today.

Therefore, I ask that the Senator from Utah modify his request, include my amendment to the Lee amendment at the desk; that the amendment be considered and agreed to; that the Lee amendment, as amended, be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Does the Senator from Utah so modify his request?

Mr. LEE. Mr. President, in reserving the right to object, Senator SCOTT's proposed amendment, to be clear, would create a carve-out for people based on the languages they speak. Now, unless their language skills are somehow part of the analysis determining whether or not they qualify for employment-based immigrant visas, I do not see that making a carve-out for particular languages would be consistent with our immigration rules or with principles of fairness or of equity.

Amendments like this one that purport to carve out groups of people based on their nationalities or their ethnicities or their native languages are antithetical to the type of equitable change we have been pursuing with this bill for years. When we look

at this, it operates quite broadly. He is trying to create a carve-out for people who are native speakers of Spanish, Portuguese, Haitian, Creole, Cantonese, Taiwanese, Hokkien, or Hakka, for those who have attained a master's degree or higher in the aforementioned languages, or for people who are spouses or children of the people on the aforementioned list. There are a lot of people who have been identified there. Interestingly enough, this doesn't include other languages. I haven't heard any principled basis upon which we could differentiate between those two.

So it seems to me that, in fixing one problem, we reinsert this amendment in there and give preferential treatment to people who, by the way, are not speakers of Hindi or of Urdu or of other languages that are commonly spoken in India. I don't understand the principled distinction between these language speakers and others.

More fundamentally, this undermines and contravenes the fundamental purpose of this legislation, which is to say that, regardless of what other factors you might take into account when deciding how you are going to allocate employment-based green cards, the one thing we shouldn't look to and that no longer makes any sense to look to—the extent it ever made sense to begin to look to, which it probably didn't—is the country of origin. This makes no sense, and it is wrong.

Therefore, I cannot support the amendment offered by my colleague Senator SCOTT, and I object to its adoption.

The PRESIDING OFFICER. Is there objection to the original request?

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, in reserving the right to object, clearly, I am disappointed that my colleague is unwilling to accept my amendment.

My goal is to be fair to the many wonderful and skilled people who want to build lives in our great country. I have also spoken to those at the White House about the bill, and they have agreed we need more time to review the proposal and to understand its impacts on our immigration system.

I hope my colleagues want to continue to work together, and I hope we can find a path forward to address the current visa backlog. Therefore, I respectfully object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I go back to the question I asked rhetorically a moment ago.

What is it about the speakers of these languages that are mentioned in the amendment offered by my friend and distinguished colleague, the junior Senator from Florida—that is, the native speakers or speakers who hold a degree in the languages of Spanish, Portuguese, Haitian, Creole, Cantonese, Taiwanese, Hokkien, or Hakka—that makes them more deserving of an allocation of an employment-

based immigrant visa than the speakers of Hindi, of Urdu, or of any of the languages spoken in India?

As I mentioned a moment ago, you have a real problem, a real inequity. Overwhelmingly, the per-country cap punishes would-be immigrants from India in a way that doesn't affect any others, except maybe some from China. By the way, he covers some of the language groups spoken in and around China, including Cantonese and Taiwanese. So why not Mandarin? Then, if Mandarin, why not any of the languages spoken in India?

This cuts right to the heart of why it is we need this reform and why it is we have an Elvis Presley-era, outdated, outmoded, unwise, and fundamentally inequitable immigration code—one that is at odds with the way our immigration system works.

Imagine two otherwise identical applicants for a visa, wherein they are exactly the same in all respects—those being their academic degrees they have earned, their employment experience, their background checks, their family statuses, their earning potential, their job commitment, and professional certifications. Imagine they are identical in every single respect except for one—that immigrant A happens to hail from Sweden and that immigrant B happens to have been born in India. Immigrant A will be eligible to have an employment-based immigrant visa application considered immediately. Immigrant B, simply by virtue of having come from India, will, in many circumstances, have to be on a waiting list for 200 years. This is wrong.

I really would like, one day, for someone—anyone—to explain to me why it makes any sense to leave this law on the books. One can't. One will not because there is no good reason for doing so. If one can't and if one will not, why on Earth would you want to weaken something and dilute something to create special privileges to one group of would-be employment-based green card holders simply because they happen to come from yet another preferred country over the nonpreferred, discriminated-against country? This is wrong.

We have to get this thing passed. I am so grateful to DICK DURBIN and the work that he has done with me on this. I am grateful to my colleagues on both sides of the aisle who have put together this bipartisan bill. I believe we are close. I believe we are very close. I intend and plan and fully commit in the coming days to keep pushing this. This issue isn't going away. We are going to get this thing passed.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I am disappointed. After all of these months of negotiation and of the emotion, intensity, and feelings that we share for the people who are caught in this backlog, it is a real disappointment that, at the last moment, the Senator from Florida exercised his right as a Senator to ob-

ject to our unanimous consent request—a request which I was prepared to accept.

May I suggest that this is an illustration of the bottom line that I raised in my statement. In being stuck with a 140,000-limit on green cards for employment visas and country caps for that 140,000 limit, we will continue to run into the problem illustrated by the Senator from Florida.

There will be those who will want to create an exception to the overall quota or the country caps, and there will be compelling, personal, and family reasons for them to ask for it. Time and again, they will find that, if they get a privilege, it will be at the expense of someone else, and there will be an objection.

The only rational answer is to raise the cap on the green card quotas. These 140,000 employment-based visas a year might have made sense 30 or 40 years ago. They make no sense today in the world that we live in. We are talking about people in the United States who are working, who are trying to make lives here of a more permanent nature. They love this country enough to want to bring their families here—to relocate and live. They are working here and contributing in the computer industry, in healthcare, and in so many different areas. They are valuable and important to the future of America.

I sincerely hope that we can resolve the issue that was brought up on the floor today. Equally important, if not more important, I hope that we will have the will on a bipartisan basis to tackle comprehensive immigration reform. We did it 7 years ago. We passed it 7 years ago. It can be done with Senators of good faith and good will who will work together. Yet it will mean you will have to accept the premise that there may be one additional, new immigrant coming to America. Some people cannot stomach that, and they object to any effort to change immigration laws that might result in an additional immigrant.

This son of an immigrant, who happens to be a U.S. Senator, believes that immigration defines this country, that our diversity defines this country, and that bringing people here who are willing to sacrifice and risk everything to be part of America's future is part of the reason we have prospered as a nation.

I hope that Senators on both sides of the aisle will have the good sense to come to that conclusion and that, at another time, with another Congress and, perhaps, with another President, we will have a meaningful and fair-minded conversation.

In the meantime, I will work with Senator LEE to resolve the differences that we have, which are now down to only a handful. As evidenced today, I believe we have made dramatic progress. We are disappointed by the result, but we are not giving up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

HEALS ACT

Mr. CORNYN. Mr. President, as our Nation's war against the coronavirus wages on, negotiations on the next relief package seem to remain at a standstill.

The bolstered unemployment benefits provided by the CARES Act have expired. Principals and teachers—and parents, I might add—are preparing to begin the school year without adequate funding for the protective measures they need, and additional investments into vaccines and treatments are desperately needed.

I believe the Senate should stay in session until we are able to pass another coronavirus relief bill, but Speaker PELOSI and Senate Minority Leader SCHUMER seem to have zero sense of urgency in delivering the support those in our country need, including their own constituents, and they have zero interest, apparently—at least so far—in a bipartisan compromise.

Despite the less-than-enthusiastic interest from their own Members and a flatout veto threat from the White House, they continue to push the more than \$3 trillion Heroes Act as a solution to the crisis.

Remember, this is legislation that was so unpopular among Democrats that it barely managed to pass the House earlier this summer, and it includes extraneous items, like tax breaks for millionaires and billionaires who live in blue States and diversity studies for the marijuana industry.

It doesn't take a policy expert to see that these portions of the bill have absolutely nothing to do with the crisis at hand, and they demonstrate how unserious Speaker PELOSI and Democrats in the House have been and, unfortunately, now joined by some of our colleagues here in the Senate—how unserious they are about actually solving this problem to the best of our ability.

They even go so far as to call that particular piece of legislation, the Heroes Act, a messaging document. Well, that messaging document helps absolutely zero people. It is a wish list, a pipedream, and it is an effort to try to appease the most radical Members of the Democratic caucus.

Though Speaker PELOSI says the title of this legislation is a tribute to our healthcare workers, it is really a cruel joke. The bill itself does nothing to protect them from one of the biggest threats lurking around the corner.

We are already beginning to see evidence that the coronavirus pandemic is moving from hospitals to courtrooms, as lawyers have filed lawsuits against our essential healthcare workers and any institution that has kept its doors open throughout this crisis.

This is something that has come up in my conversations with many of my constituents in Texas over the last several months—healthcare workers, educators, nonprofits, restaurant workers, child daycare centers, retailers—the list goes on and on.