

(3) supports the Abuja Accord, and calls on candidates, party officials, and adherents of all political movements to comply with the code of conduct spelled out therein, by refraining from any rhetoric or action that seeks to demonize or delegitimize opponents, sow division among Nigerians, or otherwise inflame tensions;

(4) condemns any and all abuses of civilians by security forces of the Government of Nigeria;

(5) urges the Government of Nigeria to—

(A) adhere to the new timeline for elections announced by INEC on February 7, 2015;

(B) refrain from using security concerns as a pretext for impeding the democratic process and using the security apparatus for political purposes in connection with the elections;

(C) ensure elections are credible, transparent, and peaceful;

(D) prioritize the safety and security of Nigerians vulnerable to Boko Haram attacks;

(E) implement a comprehensive, civilian security-focused response to defeat Boko Haram that addresses political and economic grievances of citizens in the north;

(F) improve the capacity and conduct of Nigeria's security forces, including respect for human rights, and take steps to hold accountable through a transparent process those members of the security forces responsible for abuses;

(G) recognize that security forces are intended to protect the safety and security of all citizens equally; and

(H) cooperate with regional and international partners to defeat Boko Haram;

(6) urges all Nigerians to engage in the electoral process, to insist on full enfranchisement, and to reject inflammatory or divisive rhetoric or actions; and

(7) reaffirms that the people of the United States will continue to stand with the people of Nigeria in support of peace and democracy.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to the provisions of S. Res. 64, adopted March 5, 2013, appoints the following Senators as members of the Senate National Security Working Group for the 114th Congress: MARCO RUBIO of Florida (Republican Administrative Co-Chairman), THAD COCHRAN of Mississippi (Republican Co-Chairman), LINDSEY GRAHAM of South Carolina (Republican Co-Chairman), JEFF SESSIONS of Alabama (Republican Co-Chairman), BOB CORKER of Tennessee, JOHN MCCAIN of Arizona, JAMES RISCH of Idaho, ROY BLUNT of Missouri, and JAMES INHOFE of Oklahoma.

#### ORDERS FOR WEDNESDAY, FEBRUARY 25, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, February 25; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business for up

to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half and the Democrats controlling the second half.

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

#### ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of my colleague from Iowa, Senator GRASSLEY.

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

The Senator from Iowa.

#### H-1B VISA PROGRAM

Mr. GRASSLEY. Mr. President, many of my colleagues know I have been fighting for years to end the abuse of the H-1B visa program and help disadvantaged U.S. workers who are harmed by that program. Today I wish to draw the attention of my colleagues to a recent incident that highlights how some employers are potentially using legal avenues to import foreign workers, lay off qualified Americans, and then export jobs overseas. I was shocked by the heartless manner in which U.S. workers were injured in the case I am about to describe.

First, I wish to remind my colleagues about how the H-1B program is supposed to work. Under the terms of the H-1B program, U.S. employers may import into the United States each year up to 65,000 so-called specialty occupation workers. The jobs being filled must be a job for which a bachelor's degree is necessary. Even though the annual cap is 65,000, the actual number of foreign workers being imported is much more because of numerous exemptions. In fiscal year 2012, for example, U.S. Citizenship and Immigration Services approved a total of 262,569 H-1B petitions—way above the legal limit of 65,000 or I should say the supposed limit of 65,000.

About 60 percent of H-1B workers come to fill computer-related occupations. Every year the list of the top 10 H-1B employers is dominated by foreign-based companies offering information technology or IT consulting services to the clients.

Under the law, H-1B employers are also required to: No. 1, pay the workers the greater of the prevailing wage for that job in that area or the wage the employer pays to similarly qualified U.S. workers doing the same job and at the same time—or the No. 2 condition—provide working conditions that will not adversely affect other similarly employed U.S. workers.

Additionally, H-1B employers may not displace a U.S. worker within the period beginning 90 days before and ending 90 days after the date of filing any H-1B petition by that employer.

Now I will describe what the program lacks. Most people believe employers try to recruit Americans before they petition for H-1B workers. Yet under the law, not all employers are required to prove to the Department of Labor that they tried to find an American to fill the job first. That is right. American workers do not get the first chance at these jobs in the United States, and if there is an equally or even better qualified U.S. worker, the company does not have to offer him or her that job.

I have pushed for changes in the legislation in that law. In fact, I offered several pro-U.S. worker amendments during consideration of the immigration bill in 2013. Every amendment I offered was defeated. The majority at that time—meaning the Democratic majority, and it was a bipartisan majority that helped defeat it—defeated these pro-American worker amendments. They pushed through S. 744, the 2013 immigration bill, without this significant, much needed change.

Let me describe to my colleagues the appalling instance referenced above.

I have described what the H-1B law was and how, during the immigration debate of 2013, I tried to amend it and improve it, and I wasn't successful. I started my remarks tonight by talking about the abuse of H-1B, the law not being followed, overseas companies bringing workers in here for an American company to employ, and then in turn these jobs are going to be shipped overseas. So now I wish to describe this appalling incident I referenced earlier.

Last August, Southern California Edison started laying off 400 American workers from its IT department. The company replaced them with foreign H-1B workers. According to the company, 100 additional American workers who will also be replaced by H-1B workers will leave supposedly voluntarily. According to Computerworld, the final major batch of layoffs is scheduled for March 6 or March 7.

The foreign workers who are replacing the American workers at Edison are employees of two overseas-based IT consulting companies that are also two of the largest users of H-1B visas. In 2013 one of the two companies paid the largest immigration fine in U.S. history. That company paid \$34 million in a civil settlement after allegations of systemic visa fraud and abuse.

The jobs being filled by H-1B workers are manifestly not jobs for which Americans are unavailable. I say that because the jobs are currently filled by skilled American workers. It is disturbing that not only have these American workers been laid off, but also some of them have reportedly had to train their very own replacements.

A columnist for the Los Angeles Times writes that by laying off hundreds of its American IT staff and replacing them with relatively low-wage foreign contract workers, Edison stands to save as much as 40 percent in wage costs per laid-off worker. One

laid-off Edison worker told the columnist that company supervisors told a group of workers last year: “We can get four Indian guys far cheaper than the price of you.”

Worse yet, most of the 500 jobs that had been held by Americans will eventually just move overseas. According to the Los Angeles Times, Edison admits that eventually about 70 percent of the work will shift overseas permanently.

Edison describes the 400 layoffs as a “transition” to the foreign IT consulting companies that “will lead to enhancements that deliver faster and more efficient tools and applications for services that customers rely on.”

Then it adds further: “[T]hrough outsourcing, [Edison’s] information technology organization will adopt a proven business strategy commonly and successfully used by top U.S. companies that [Edison] benchmarks against.”

With respect to replacing American workers with H-1B workers, Edison says the company “is not hiring H-1B workers to replace displaced employees.” Edison’s cynical defense is built upon a very shameless exploitation of a loophole in the H-1B laws. That loophole says that technically Edison isn’t the H-1B workers’ employer; the two foreign consulting companies are. The H-1B workers are just contracted out for extended, potentially multiyear periods from the foreign consulting companies to the American company, Edison. Thus, Edison argues that it is not subject to the requirements under the immigration laws that I spoke of earlier. They argue that because they are not the employer who petitioned directly for the H-1B workers, they—Edison—don’t have to abide by the working condition requirements or the 90-day rule.

The condemnation of this attack on American workers has been very quick and, quite frankly, bipartisan. On February 10 over 300 members of the International Brotherhood of Electrical Workers rallied in Irvine, CA, in support of their fellow Edison employees. Several Members of Congress have expressed concern about the situation. On February 17 the Economic Policy Institute sent a letter to the Secretary

of Labor asking him to investigate the Edison layoffs. Specifically, the institute asked the Secretary of Labor to determine whether Edison, the foreign consulting companies, or any of the parties involved in these layoffs violated the requirements that the hiring of H-1B workers not “adversely affect the wages and working conditions of U.S. workers comparably employed.”

I echo the request of the Economic Policy Institute. The prohibition on adversely affecting U.S. workers can reasonably be applied to situations, such as in the Edison case, where the H-1B workers are contractors at a worksite rather than employees.

I also draw your attention to a powerful February 16 Los Angeles Times editorial entitled “End H-1B visa program’s abuse.” The Los Angeles Times calls Edison’s action “part of a years-long trend among companies of misusing H-1B visas to undercut wages and offshore high-paying American jobs.” The Los Angeles Times concludes that the H-1B program, although perhaps well-intentioned, is “broken” and that “Congress needs to fix it.” And, of course, I could not agree more, as evidenced by all the amendments I offered in 2013 on the immigration bill.

This situation with Southern California Edison is not new. It is happening time and time again. American workers are losing out because the law is not strong enough to protect them, so it needs to be fixed.

Any proposal to reform the H-1B program must include substantially increased protections for U.S. workers such as I have proposed many times in the past. These protections must at a minimum include the requirement that companies first recruit here at home before they import more foreign workers. We also need to reform the H-1B wage requirements so that U.S. workers’ wages would no longer be undercut by H-1B workers’ wages. There also needs to be more oversight of the program, including random audits of those who use the program.

Tightening the law to ensure that U.S. workers have the first opportunity at high-paying, high-skilled jobs in this country is a no-brainer. Yet there is so much opposition to this philosophy. I just cannot believe the opposition. As I

stated earlier, the majority in the last Congress—and that happened to be a bipartisan majority—pushed for changes to the H-1B program but voted against every single amendment I offered to ensure that U.S. workers were given priority.

Now there is a lot of fanfare and a lot of talk about a high-skilled bill that has been reintroduced in the Senate that would increase the annual number of H-1B visas. The sponsors of the bill claim it will “boost our competitiveness in the global economy.” This bill only makes the problems worse. It doesn’t plug the loopholes. It doesn’t make sure American workers are put before foreign workers. It doesn’t ensure that employers don’t use the program to pay cheaper wages, which then in turn disadvantages U.S. workers.

The H-1B program could be a very worthwhile program. According to the original intent, I obviously would support it because we want workers to do the jobs that need to be done in America, but it should first be people who are already here.

Our employment-based immigration programs could have served and could again serve a valuable purpose if used properly. However, they are being misused and abused. They are failing the American worker. Reforms are needed to put integrity back into the programs and to ensure that American workers and students are given every chance to fill vacant jobs in this country. So I am putting my colleagues on notice that I am committed to this effort. As chairman of the Judiciary Committee, I don’t intend on allowing legislation to move through this body without reforms to the H-1B program that protect American workers.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:05 p.m., adjourned until Wednesday, February 25, 2015, at 9:30 a.m.