

that there is an apparent conflict of interest or at least an appearance of partiality that ought to be dealt with by the appointment of a special counsel.

Given the unprecedented nature of this case and the unavoidable conflicts of interest, I strongly believe there is no other appropriate action for Attorney General Loretta Lynch to take than to appoint a special counsel in this case to get to the bottom of it, to follow the facts to wherever they may lead, and to make sure the law is applied impartially and fairly wherever those may fall.

The American people were reminded of the need for a special counsel last weekend when, once again, President Obama opined publicly about the investigation. In an interview on Sunday, President Obama dismissed the email scandal by splitting hairs about how the government classifies information. According to the President—get this—“there’s classified, and then there’s classified” information.

He was attempting to draw meaningless distinctions between levels of classification, suggesting that release or exposure of some classified information was OK as long as it wasn’t the “classified” information, which supposedly he would say should be kept from our Nation’s adversaries and kept confidential.

President Obama, in other words, was trying to indicate that even though classified information was on Secretary Clinton’s private server, he somehow divined that it was not so sensitive that it would put our country in jeopardy.

First of all, we know that some of Secretary Clinton’s emails were classified even beyond confidential, to the secret and top secret special access program levels—some of the highest levels of classification. Second, the President’s comments have to be confusing to many public servants around the country, who, as part of their daily work, handle classified information and the way they do it when they are issued a national security clearance or sign a nondisclosure agreement. According to the President, it must be OK to expose some classified information to public view but not others. I can guess that people who work in that world must be somewhat confused and perplexed by the President’s statement.

To dismissively talk about the different levels of classification is not only wrong but, frankly, it is insulting to Americans who work tirelessly on a daily basis to protect our national security and, in particular, to those who go to great lengths to properly and carefully handle classified information, even when it isn’t particularly convenient.

But perhaps worse, the President was opining publicly on the results of an ongoing criminal investigation over which it turns out he knows absolutely nothing—at least if you believe the key players in that investigation. Although

he claims to adhere to a strict line between himself and the investigation, President Obama repeatedly suggests his desired outcome and acts as if he is Secretary Clinton’s front line of defense.

Here is President Obama in the same interview. He said that he “continues to believe that [Secretary Clinton] has not jeopardized America’s national security.”

How in the world could the President possibly know that if, in fact, there is a strict line between himself and the investigation?

Attorney General Lynch has testified and stated in front of the Senate Judiciary Committee—and FBI Director Comey has likewise testified—that there has been no reporting to the White House about the results of the ongoing investigation. Everybody understands that would be improper, but somehow the President suggests it is all OK and that he knows, when, in fact, he doesn’t know.

How could the President possibly know that, especially when—as the President made clear last Sunday—he has not been “sorting through each and every aspect” of the issue? By the President’s own admission, he doesn’t talk to the Attorney General or the FBI Director about ongoing investigations, and he certainly isn’t conducting it, so he wouldn’t have personal knowledge. Under no circumstance is this kind of commentary by the President OK. There is simply no way to read this without running a serious risk of trying to influence the outcome of the investigation, which everybody should recognize would be completely improper. The President has done this before and so has his spokesman, the White House Press Secretary. Time and again the White House has projected its desired outcome in this investigation to the public and, worse, to those people conducting it. As I said, it is completely inappropriate, but don’t just take it from me.

As I mentioned a moment ago, last month the Judiciary Committee heard testimony from Attorney General Loretta Lynch. I conveyed to her at the time the need for a special counsel to investigate the case. At the hearing, Attorney General Lynch testified that it was her hope that everyone, including the White House, would stay silent when it comes to commenting on an ongoing investigation by the FBI.

I couldn’t agree with her more. The responsible thing for the President to do would be to say nothing, particularly if he knows nothing about the content of an ongoing criminal investigation. I wish the President would take the advice of his lawyer, the Attorney General of the United States, and respect her prerogative as the Nation’s chief law enforcement officer and the reputation of the Federal Bureau of Investigation. Director Comey made it clear that the FBI does not care for politics. It doesn’t play politics. In fact, the credibility and integ-

rity of the FBI depends upon their not playing politics. So why is the President playing politics with law enforcement?

Well, the threat of a President influencing an ongoing investigation intentionally or otherwise is not something we must just accept. What we need is an investigation that is as independent as possible.

I hope the Attorney General, in light of the President’s comments and his attempt to influence the investigation—I can think of no other reason he would say what he did—reconsiders her refusal to appoint a special counsel in this case. At the very least, I hope the President quits talking about a subject he knows nothing about, which is what the investigation is revealing, and let the Justice Department do its job without feeling the pressure that apparently the White House is attempting to impose on the FBI and the Department of Justice.

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. RUBIO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ZIKA VIRUS

Mr. RUBIO. Madam President, I am here today to talk about the Zika virus, which we have been hearing a lot about in the news lately. It is a virus that first began to appear—well, obviously it has been around for a long time, but we began to see it in the news lately with regard to its implications in Brazil and Latin America. But it has now found its way here to the United States, and there has been a lot of discussion about it.

As the Presiding Officer knows, the President has requested \$1.9 billion to deal with it. There are a lot of different things we need to do to address it. There has been a little bit of a squabble in the Congress about whether we should be spending that much money on it.

So one of the things I argued for—and it has happened—is that we should take some of the money that was set aside for Ebola when the Ebola crisis was going on—it was about \$500 million of that that had been unspent. I argued that before we go to the \$1.9 billion, there was \$500 million immediately available. Let’s assign that to be used. The President has agreed to do that. But there is still a shortfall on this issue. It does need to be addressed. I hope we can find a way to address it.

Obviously my political differences with the policies of the White House are well known and established, but this is an issue where I believe and I hope they will be supportive of this request.

To be abundantly clear, it is not just about throwing money at it. We have to make sure the money is being spent on the right things. This is not just saying “Here is \$1.9 billion” and throwing the money at Zika; you want to make sure, No. 1, it is all being spent on dealing with the virus. Oftentimes in this place, when money is assigned for a catastrophe or a disaster or anything like this, a breakout of a disease, suddenly you see all kinds of other ideas and programs attached to it that have nothing to do with the primary reason the money is being spent. So we want to make sure, No. 1, that if there is \$1.9 billion that is going to be spent on this, that all of it is spent on this and not on some other thing.

The second is, we want to make sure the money is being spent on the right things. What are the right things? Well, we have discussed those over the last few days. One of the most important things that need to happen long term is the money necessary for basic research to incentivize the vaccine. There is a belief that they can pretty quickly get to a vaccine that will protect people from this. That is important.

I think there needs to be thought put into the testing. Today, testing for the Zika virus is less than reliable. There is not a commercially available test. For example, in Florida, if you want to be tested for Zika, it has to be through the State department of health. You cannot go down to Quest Laboratory or one of the providers of lab tests and get it. There is not a commercially available test. So that has to be improved as well.

Those are the sorts of things I hope the money will be geared towards. This is why it is so important. I don’t want us to take our eyes off of this because if this issue really takes off on us here in the United States, we don’t want to say that we knew it was happening but we ignored it and did nothing about it.

On Monday of this week, there was a Reuter’s report in which U.S. officials warned that the Zika virus is “scarier” than they initially thought. The Zika virus is now present in about 30 States. And by the way, there are hundreds of thousands of infections that could appear in the territory of Puerto Rico.

Here is a quote from the Deputy Director of the U.S. Centers for Disease Control and Prevention:

Everything we look at with this virus seems to be a bit scarier than we initially thought. And so while we absolutely hope we don’t see widespread local transmission in the Continental United States, we need the States to be ready for that.

As of now, from my understanding, there has only been one case of transmission in the continental United States. That happens to be in Polk County, FL. But there are dozens in the territory of Puerto Rico. So this is deeply concerning.

The other thing they found is that the mosquito species that primarily transmits the virus is present in about

30 States rather than 12, as previously thought. So that, too, indicates that this could be a very serious issue that could find itself in places outside of the tropical climates to which we once thought it was limited.

On Wednesday, the Centers for Disease Control—this was last Wednesday—the CDC said that it is now clear that Zika definitely causes severe birth defects. Confirming the worst fears of many pregnant women in the United States and Latin America, U.S. health officials said Wednesday that there is no longer any doubt that the Zika virus causes babies to be born with abnormally small heads and other severe brain defects.

This is something that now—looking at what has happened in Brazil and other parts of the country, there is now real concern about what this can mean for pregnant women and the ability to transmit that to their unborn child. The effects of it are devastating.

Initially it was thought that the Zika virus is very dangerous if you contract it in the first trimester but that after that the risk is no longer as grave. But on Thursday of this week, we got the news—this was reported in USA TODAY—that the Zika virus may, in fact, affect babies even in the later stages of pregnancy. The Zika virus may pose a threat to women and their fetuses even in the later stages of pregnancy, according to a study published online Wednesday in the BMJ, which was formerly known as the British Medical Journal.

Doctors initially suspected that Zika infections, which are largely spread by mosquitoes, would be most harmful to fetuses in the first trimester or the first 3 months of a 9-month pregnancy. In this study, however, 23 percent of the mothers of babies with microcephaly were infected with Zika in the second trimester. Two mothers were infected in the sixth month of pregnancy. None were infected in the third trimester.

The babies in the study had problems that went far beyond simply small heads. The brain damage seen in the study was “extremely severe, indicating a poor prognosis,” according to the study.

The authors of the report have now expanded the study to a total of 130 babies with microcephaly. Several infants have had epileptic seizures within 3 to 5 months after birth. The extent of the brain damage seen in the babies in the study, which was captured in MRI images, was “stunning,” according to James Bale, Jr., a professor of pediatric neurology at the University of Utah School of Medicine. This is the quote: “This is a really remarkable degree of damage.” Babies with this condition have severe microcephaly, extra scalp skin, intellectual disabilities, and prominent occipital bone, which is located at the back of the head, according to the CDC.

By the way, these fetal brain disruptions we have talked about are nor-

mally extremely rare. A 2001 review in a medical journal identified only 20 cases, according to the CDC. So this is something we are looking at that does not normally happen as a normal risk, but it is clearly being exacerbated by the Zika virus. In fact, in MRI images published by the BMJ study, one baby appears to have a very small, even non-existent brain. Judging by the damage on the MRI, the baby in that image is likely to have severe cognitive impairment and may be unable to learn to walk or talk.

So that is why the same day I sent a letter to the Centers for Disease Control. I sent a letter to them regarding the Zika testing backlog.

On April 8, I hosted a briefing in Miami—a week ago tomorrow. Some State health departments, local health departments, and county government officials were represented. I included health officers from Puerto Rico. I publicly, as I said at the time, offered my support for the President’s emergency supplemental funding request.

While I heard there were many obstacles that we face in fighting Zika, one aspect I heard about repeatedly was the distressing length of time it takes for diagnostic tests to be completed. I have subsequently seen media reports of pregnant women who have waited up to a month for the CDC to complete their diagnostic tests for the Zika virus while fearful mothers anxiously waited to know their child’s fate.

Of course, we are still waiting for the supplemental request to be passed, and I hope we can do that quickly. There really is no reason to wait on this.

But until Congress approves the request, I urge the Centers for Disease Control and Prevention to use whatever steps are necessary to dedicate currently available resources to clearing its current backlog of Zika diagnostic tests and to prioritize these tests for women who are pregnant.

I believe these essential steps will help us not only to ease mothers’ minds who test negative for the virus but also to provide critical care for a child whose mother tests positive for the Zika virus. We know that screening for microcephaly should happen early and often, and receiving the results of a diagnostic test is the first step in that process. The CDC should have the capability to provide those services immediately to those who are waiting.

Ultimately, it is my hope that the U.S. Food and Drug Administration will approve a commercial Zika diagnostic test in the near future so that these tests are more broadly available.

One more thing that was reported on Wednesday was that the House GOP is readying a Zika funding plan. House leaders are working on approving more funding by the end of this year. Once again, I encourage them to do so in light of the circumstances we now face.

I am not saying this is going to be an outbreak of crisis proportions, but I am saying that for a family that is potentially impacted by this, it will be a crisis. I am saying that it is important for

these testing kits to be available—not only for the expectant mothers or potentially pregnant but also for men because, as we know, the Zika virus can also be transmitted sexually, as it was in the transmission that occurred in Polk County, FL.

Beyond it, I hope that in this funding request we don't wait until the end of the year. The summer months are coming, and these are the months where the spread of these mosquitoes—the two strains of the two types of species of mosquitoes that carry the virus—are going to be prevalent in many parts of the country. It is the time of year when many people find themselves outdoors exposed to these mosquitoes.

I hope the funding request can be in place and that we don't wait until the end of the year to deal with this. It shouldn't take this long. Look, I believe in limited government, but I do believe one of the obligations of a limited Federal Government is to protect our people from dangers, whether they be foreign enemies or the risk of disease outbreak.

I hope we will move forward on this endeavor because it is important. It is a proper function of government. We shouldn't be sitting here 6 months from now regretting that we didn't act sooner. I hope we will move promptly and quickly both in the House and then in the Senate to address this issue.

I also wish to say that I don't want to forget about Puerto Rico. Oftentimes people forget that Puerto Rico is the United States. The people who live there are U.S. citizens.

There is already a severe outbreak when it comes to Puerto Rico. They are already facing this crisis. So it is important. If this were one of the 50 States, they would have a Senator on the floor right now, maybe two, arguing on behalf of them. Obviously, Puerto Rico doesn't have a Senator elected from the island.

I stand here today on their behalf to argue that this is an important issue that needs to be addressed for the sake of our country, but most immediately for the sake of the territory of Puerto Rico. I hope we will move quickly to confront this issue and to solve it.

I close by saying one more thing. While government has an important role to play, ultimately we have a responsibility. If you are traveling to parts of this world where you might be exposed to the virus, you have an obligation to get tested to ensure that you are not going to be transmitting this to your partner.

As I argued last week at my press conference, if you are going to be outdoors, you have an obligation to use mosquito repellent to protect yourself and your family from being exposed to this, just the same way you would wear sunscreen. It is important for us more this summer than any other.

It is not only Zika that mosquitoes transmit. They transmit all kinds of other very serious illnesses. There is a level of personal responsibility here.

We talked about people not allowing bodies of water, whether it is undrained pools or puddles of water in your backyard. These mosquitoes can grow in water containers as small as the cap of a bottle of water. They don't need a lot of water in order to reproduce and grow. So there are things we need to do in our own lives to take personal responsibility for dealing with the Zika virus.

But there is a proper role for government, and I hope we will play it. We have an obligation to hold the government responsible to ensure that the money that is appropriated is just being spent on Zika and is being spent appropriately on things that work. We should be working with our local and State partners to ensure that we are funding the programs that work and need to be funded. But I think we need to get it done. I hope we can get it done here rather quickly because the summer is upon us. I don't think we want to be halfway through the summer and wake up to the news that hundreds and hundreds of Americans in multiple States have been infected and we did nothing. We will have to explain that to our constituents, and I am not sure we are going to have a good explanation if we don't have it.

With that, I yield the floor.

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

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

REFORMING THE H-1B VISA PROGRAM

Mr. DURBIN. Madam President, I rise to speak about H-1B visas, often called the high-skilled immigration visa. Every year, the U.S. Government issues 85,000 new H-1B visas, including 20,000 for workers with advanced degrees. This is in addition to hundreds of thousands of foreign workers already in the United States on H-1B visas.

Beginning on April 1, employers can submit petitions for new H-1B visas. Every year, within a few days, the government announces that it has received many more petitions for visas than the number of visas available.

The government then conducts a random lottery to decide which employers will receive the visas. Every year this leads to a hue and cry from our business community about the need to increase the annual cap for H-1B visas.

Like clockwork, this process played out last week, just as it does every year. Let's take a look at what happened.

When most people think of H-1B visas, they think of big tech companies like Microsoft, Google, and Apple hiring top-notch computer engineers, pay-

ing them top dollar to come in from overseas.

But here is the reality. In fact, the top recipients of H-1B visas are foreign companies that use loopholes in the law to displace qualified American workers and send American jobs offshore.

In 2013, outsourcing firms received more than 50 percent of the annual H-1B visa cap. Think about that. Over half of these H-1B visas, designed to bring skilled foreign workers into the United States, are being given to foreign outsourcing companies.

It sounds wrong; doesn't it?

In 2014, 15 of the top 20 H-1B employers used the H-1B visa primarily to offshore American jobs; that is, to take Americans, put them out of work, and have foreign workers take their jobs. These 15 firms gobbled up over 190,000 new H-1B visas over 10 years.

This is how it works. Foreign outsourcing companies import thousands of foreign guest workers using H-1B visas. These companies then cut deals with American companies to outsource American jobs and to move them offshore. The United States keeps them in the United States but with these foreign workers. The U.S. company gives their American workers notice that they will be fired. But before the American workers are laid off—listen to this—the American workers are forced to train the foreign guest workers who are going to take over their jobs.

After they are trained, the outsourcing company returns the foreign workers to their home country where—guess what—they compete with the United States.

Most of these foreign outsourcing companies are from India: Infosys, Tata, and Wipro. You may not recognize those names, but they are making billions of dollars using the H-1B visa to outsource American jobs and displace American workers.

A high-ranking Indian Government official even called the H-1B visa “the outsourcing visa.” The International Herald Tribune investigated these Indian companies, and this is what they concluded: “Rather than building a thriving community of experts and innovators in the United States, the Indian firms seek to funnel work—and expertise—away from the country.”

Congress intended the H-1B program to allow an employer to hire a skilled foreign worker in a specialized occupation when the American employer couldn't find an American worker with those skills and abilities.

We didn't create this program for foreign outsourcing firms to exploit the program and to bring foreign workers to our country to be trained by talented American workers in order to see their jobs shipped away.

So let's take an example. In the last year alone, media reports have documented the replacement of hundreds of American workers by these foreign outsourcing companies. Let me give an example close to home. Abbott Labs of