

his parents, Dana and Linda; his wife, Gabby; his son, Jaxson; and the twin girls they are expecting. This is a tremendous achievement.

Kansans are extremely proud of you, Gary. We wish you and your family the best of luck moving forward, and we will continue to root for your success.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRAUN). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I ask unanimous consent that following my remarks on the floor, Senator BROWN resume his remarks.

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

#### PUBLIC SERVICE FREEDOM TO NEGOTIATE ACT

Ms. HIRONO. Mr. President, conservative, rightwing forces in our country are engaged in an all-out assault on working people. Their target? Private and public sector workers and the unions who are fighting on their behalf. While private sector unions at least have some protections under the National Labor Relations Act, public employees have been historically forced to rely on Supreme Court precedent to protect their basic rights.

That is why the Court's decision last year in *Janus* was so damaging. In one fell swoop, the Court overturned more than 40 years of precedent from the *Abood* decision and barred public sector unions from collecting fair share fees from employees who had opted out of the union but whom the union is still legally required to represent.

The Supreme Court's decision in *Janus* was not unexpected. Its decision was the culmination of decades-long efforts by groups like the Federalist Society and the Heritage Foundation to undermine settled precedent in *Abood* in order to weaken public sector unions. These groups worked methodically to achieve their goals.

First, Justice Alito all but invited a challenge to *Abood* when he wrote his decision in *Knox v. SEIU Local 100* and *Harris v. Quinn*. He called the justification for allowing a union to collect fair share fees "an anomaly." He said "the *Abood* Court's analysis is questionable on several grounds" and laid out the grounds as he saw them for someone to bring a case to overturn *Abood*.

This was an open invitation to conservative groups to then go looking for a plaintiff to do just that—to create an opportunity for the Supreme Court to overturn *Abood*. They funded *Friedrichs v. California Teachers Association*, which was fast-tracked to the

Supreme Court in 2016, where "the signaler," Justice Alito, awaited the case. Public employee unions received a temporary reprieve in a deadlocked 4-to-4 decision because of Justice Antonin Scalia's unexpected death.

The well-funded conservative interests then saw a huge opportunity to fill the vacancy with a Justice to their liking. From applauding Senator MCCONNELL's single-handedly blocking the nomination of Merrick Garland to spending millions to confirm Neil Gorsuch, they wanted a Justice who was on their side.

They got it in Neil Gorsuch, who delivered the decisive fifth vote in *Janus*, torpedoing 41 years of precedent under the pretext of protecting "fundamental free speech rights." Justice Elena Kagan saw right through this argument. In a strong dissent, she said: "The majority overthrows a decision entrenched in this Nation's law . . . for over 40 years . . . and it does so by weaponizing the First Amendment, in a way that unleashes judges, now and in the future, to intervene in economic and regulatory policy."

Undermining public employee unions and, in fact, all unions has gained momentum because of the conservative majority on the Supreme Court. With this narrow majority, we are likely to see a lot more 5-to-4 decisions on ideological, partisan lines. This is not good for the country and not good for the credibility of the Court. We need a Supreme Court that strives to achieve consensus as often as possible, not one pursuing a hard-right ideological agenda.

In the face of these onslaughts from the Supreme Court and conservative interests, unions are fighting back. We have seen tens of thousands of teachers taking to the streets in cities and States across the country demanding and in many cases securing more investment in schools, smaller class sizes, and a living wage for teachers.

In the year since *Janus*, public sector employee unions like AFSCME are adding thousands of new dues-paying members energized to fight back against the conservative assault on unions' very existence.

Our public employee unions are doing their job to stay in the fight and Congress needs to do its part. That is why I joined 35 of my Senate colleagues and 27 of my House colleagues this week to introduce the Public Service Freedom to Negotiate Act of 2019.

This legislation affirms to all 17.3 million public sector workers nationwide that we value their service to the public and that we are fighting to protect their voice in the workplace.

Our bill codifies the right of public employees to organize, act concertedly, and bargain collectively in States that currently do not afford these basic rights.

Under our legislation, States have wide flexibility to write and administer their own labor laws, provided they meet the standards established in this

legislation, and it will not preempt laws in States that substantially meet or exceed this standard.

The right to organize shouldn't depend on whether or not your State has robust worker protections, like the State of Hawaii, and workers shouldn't be held captive to the anti-union bent of the Roberts Five on the Supreme Court.

The fight to protect the right to organize is not an abstract issue. Unions have lifted people into the middle class, especially women and people of color.

I speak from personal experience. When I was a young child, my mother worked for years in low-wage jobs that provided no job security, no healthcare, and no stability. We lived paycheck to paycheck. That all changed when my mother and her co-workers organized and formed a union. That union happens to be the CWA.

Unionization brought job and economic security to our family. Our public employee unions are fighting on behalf of millions of people across our country who are serving our communities. They are our teachers, our firefighters, social workers, EMTs, and our police officers. They are us.

These are not normal times. We all need to come together to fight back against an all-out assault on working people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I want to first of all thank Senator HIRONO for introducing one of the most important bills this session. It is all about collective bargaining rights. It is all about workers' voices being heard and all about the dignity of work.

Just last week I was with Senator HIRONO with a number of her constituents from her State, and they talked about her support for manufacturing or especially her support for workers. I was particularly pleased when she mentioned the Communications Workers of America. I have staff with me on the floor—some of my Ohio staff, including my State director, who came out of the CWA. I know how important workers' rights are. So I thank Senator HIRONO for introducing this bill. If we did nothing this session but pass that legislation, it would be a huge victory for workers.

Unfortunately, we have a Supreme Court that puts its thumb on the scales of justice in every case, choosing corporations over workers, choosing Wall Street over consumers, choosing, in far too many cases, health insurance companies over sick people. And today's Supreme Court case is aimed and targeted directly at States like mine, Ohio, a State that is a swing State and has 12 Republican House Members, 4 Democratic House Members and has had that same configuration of 12 and 4 for 4 State elections because of redistricting. But it is no surprise, with the Supreme Court deciding that they were

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.