

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 313—DESIGNATING THE WEEK OF SEPTEMBER 22 THROUGH SEPTEMBER 28, 2019, AS “GOLD STAR FAMILIES REMEMBRANCE WEEK”

Mrs. HYDE-SMITH (for herself, Mr. JONES, Mr. YOUNG, Mr. TILLIS, Ms. COLLINS, Mr. VAN HOLLEN, Mr. BRAUN, Ms. ERNST, Mr. HOEVEN, Ms. CANTWELL, Ms. SINEMA, and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on the Judiciary.:

## S. RES. 313

Whereas the last Sunday in September—  
(1) is designated as “Gold Star Mother’s Day” under section 111 of title 36, United States Code; and

(2) was first designated as “Gold Star Mother’s Day” under the Joint Resolution entitled “Joint Resolution designating the last Sunday in September as ‘Gold Star Mother’s Day’, and for other purposes”, approved June 23, 1936 (49 Stat. 1895);

Whereas there is no date dedicated to families affected by the loss of a loved one who died in service to the United States;

Whereas a gold star symbolizes a family member who died in the line of duty while serving in the Armed Forces;

Whereas the members and veterans of the Armed Forces, through their service, bear the burden of protecting the freedom of the people of the United States;

Whereas the selfless example of the service of the members and veterans of the Armed Forces, as well as the sacrifices made by the families of those individuals, inspires all individuals in the United States to sacrifice and work diligently for the good of the United States; and

Whereas the sacrifices of the families of the fallen members of the Armed Forces and the families of veterans of the Armed Forces should never be forgotten: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of September 22 through September 28, 2019, as “Gold Star Families Remembrance Week”;

(2) honors and recognizes the sacrifices made by—

(A) the families of members of the Armed Forces who made the ultimate sacrifice in order to defend freedom and protect the United States; and

(B) the families of veterans of the Armed Forces; and

(3) encourages the people of the United States to observe Gold Star Families Remembrance Week by—

(A) performing acts of service and good will in their communities; and

(B) celebrating families in which loved ones made the ultimate sacrifice so that others could continue to enjoy life, liberty, and the pursuit of happiness.

## SENATE RESOLUTION 314—HONORING THE CENTENNIAL OF THE AEROSPACE INDUSTRIES ASSOCIATION

Mr. MORAN (for himself and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

## S. RES. 314

Whereas 100 years ago, in 1919, the Aerospace Industries Association was incor-

porated as the Aeronautical Chamber of Commerce of America (ACCA) in the State of New York, later adopting its current name in 1959;

Whereas, for more than 100 years, the aerospace industry has moved, connected, secured, and inspired the modern world with countless innovations and technologies that play a role in almost every aspect of daily life;

Whereas the centennial of the Aerospace Industries Association celebrates the world-changing impact aerospace technologies have had and the role of aerospace technologies in strengthening the economy and national security of the United States;

Whereas the aerospace industry supports the National Defense Strategy of the United States by providing the Armed Forces the most technologically advanced and effective platforms and systems in the world;

Whereas the aerospace industry is a leading employer of veterans and retirees of the Armed Forces and recognizes the incredible contribution those veterans and retirees have made to the United States through their service;

Whereas the aerospace industry has contributed to the advancement of humankind as a key facilitator and collaborator in space, from the Apollo 11 mission to the future mission of the United States to Mars;

Whereas innovations in aerospace technologies continue to spur economic growth, as the aerospace industry maintains a presence in all 50 States and sustains approximately 2,500,000 jobs in the United States; and

Whereas the aerospace industry strives to inspire young people in the United States, including women and underrepresented communities, to study science, technology, engineering, and mathematics and pursue science-related careers that lead to future innovations and major scientific breakthroughs: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges 2019 as the centennial for the Aerospace Industries Association;

(2) recognizes the need to promote the fields of science, technology, engineering, and mathematics and encourages young people in the United States to pursue careers in such fields; and

(3) commends the aerospace industry for continuing to innovate and develop technologies that will shape the United States for the next 100 years.

## SENATE RESOLUTION 315—MEMORIALIZING THE DISCOVERY OF THE CLOTILDA

Mr. JONES submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

## S. RES. 315

Whereas, from 1525 to 1866, the transatlantic slave trade resulted in more than 12,000,000 individuals being taken from their homes in Africa and made to endure the horrors of the Middle Passage to the Americas, where those individuals were forced into enslavement;

Whereas, on March 2, 1807, Congress enacted legislation banning the importation of enslaved people, which went into effect on January 1, 1808;

Whereas, in contravention of that ban, the last enslaved Africans forced to endure the voyage to the United States came aboard the *Clotilda*, which—

(1) left from Whydah, modern-day Benin, in May of 1860;

(2) arrived in Port of Pines in Grand Bay, Mississippi, on July 9, 1860; and

(3) was ultimately brought to Mobile Bay, Alabama, on July 14, 1860, carrying 110 individuals, including men, women, and children;

Whereas, shortly after arrival in Mobile Bay, Alabama, the Captain of the *Clotilda* scuttled and burned the ship to the waterline in order to conceal the evidence of his crime;

Whereas, following the end of the Civil War and the emancipation of enslaved Africans, some of the captives brought to the United States aboard the *Clotilda* settled in the area now known as Africatown, Alabama;

Whereas, on May 22, 2019, the Alabama Historical Commission and a team of scientists confirmed that a wreckage found in the Twelve Mile Island section of the Mobile River was the *Clotilda*;

Whereas, in the 160 years since the *Clotilda* was brought to Mobile Bay, the residents of Africatown, Alabama, have played a critical role in preserving the unique and important heritage and traditions of their community;

Whereas the Africatown Historic District was listed on the National Register of Historic Places on December 4, 2012, and is home to a number of important historic sites, including—

(1) the Mobile County Training School;

(2) the Old Landmark Baptist Church, now known as the Union Baptist Church; and

(3) the Africatown Cemetery, where many of the individuals who survived the forced migration to the United States in 1860 are buried: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the recent confirmation of the wreckage of the *Clotilda*, the last slave ship to arrive in the United States, constitutes a monumental discovery of local, national, and international importance and educational value;

(2) discovery of the *Clotilda* may serve as an inflection point for meaningful conversation about both past and present injustices;

(3) the residents of Africatown, Alabama, embody a spirit of resilience and a determination to build a better community for their descendants; and

(4) all efforts should be made—

(A) to preserve and protect the *Clotilda* and associated historic sites in Africatown, Alabama; and

(B) to use the discovery of the *Clotilda* to provide education to local, national, and international audiences about—

(i) the violent history of the transatlantic slave trade;

(ii) the stories of the last enslaved Africans to arrive in the United States; and

(iii) the rich and unique history of the community built by the descendants of those individuals.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 939. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 1044, to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes; which was referred to the Committee on the Judiciary.

## TEXT OF AMENDMENTS

SA 939. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 1044, to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country

numerical limitation for family-sponsored immigrants, and for other purposes; which was referred to the Committee on the Judiciary; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Fairness for High-Skilled Immigrants Act of 2019”.

**SEC. 2. NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.**

(a) IN GENERAL.—Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended to read as follows:

“(2) PER COUNTRY LEVELS FOR FAMILY-SPONSORED IMMIGRANTS.—Subject to paragraphs (3) and (4), the total number of immigrant visas made available to natives of any single foreign state or dependent area under section 203(a) in any fiscal year may not exceed 15 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas made available under such section in that fiscal year.”.

(b) CONFORMING AMENDMENTS.—Section 202 of such Act (8 U.S.C. 1152) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “both subsections (a) and (b) of section 203” and inserting “section 203(a)”; and

(B) by striking paragraph (5); and

(2) by amending subsection (e) to read as follows:

“(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—If the total number of immigrant visas made available under section 203(a) to natives of any single foreign state or dependent area will exceed the numerical limitation specified in subsection (a)(2) in any fiscal year, immigrant visas shall be allotted to such natives under section 203(a) (to the extent practicable and otherwise consistent with this section and section 203) in a manner so that, except as provided in subsection (a)(4), the proportion of the visas made available under each of paragraphs (1) through (4) of section 203(a) is equal to the ratio of the total visas made available under the respective paragraph to the total visas made available under section 203(a).”.

(c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) is amended—

(1) in subsection (a), by striking “(as defined in subsection (e))”;

(2) by striking subsection (d); and

(3) by redesignating subsection (e) as subsection (d).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on September 30, 2019, and shall apply to fiscal year 2020 and each subsequent fiscal year.

(e) TRANSITION RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (5), and notwithstanding title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.), the following rules shall apply:

(A) For fiscal year 2020, 15 percent of the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) shall be allotted to immigrants who are natives of a foreign state or dependent area that is not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas under such paragraphs.

(B) For fiscal year 2021, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that is not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas under such paragraphs.

(C) For fiscal year 2022, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that is not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas under such paragraphs.

(2) PER-COUNTRY LEVELS.—

(A) RESERVED VISAS.—The number of visas reserved under each of subparagraphs (A) through (C) of paragraph (1) made available to natives of any single foreign state or dependent area in the appropriate fiscal year may not exceed 25 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas.

(B) UNRESERVED VISAS.—Not more than 85 percent of the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) and not reserved under paragraph (1), for each of the fiscal years 2020, 2021, and 2022, may be allotted to immigrants who are natives of any single foreign state.

(3) SPECIAL RULE TO PREVENT UNUSED VISAS.—If, with respect to fiscal year 2020, 2021, or 2022, the application of paragraphs (1) and (2) would prevent the total number of immigrant visas made available under paragraph (2) or (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) from being issued, such visas may be issued during the remainder of such fiscal year without regard to paragraphs (1) and (2).

(4) TRANSITION RULE FOR CURRENTLY APPROVED BENEFICIARIES.—

(A) IN GENERAL.—Notwithstanding section 202 of the Immigration and Nationality Act, as amended by this Act, immigrant visas under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) shall be allocated such that no alien described in subparagraph (B) receives a visa later than the alien otherwise would have received said visa had this Act not been enacted.

(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien is the beneficiary of a petition for an immigrant visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) that was approved prior to the date of enactment of this Act.

(5) RULES FOR CHARGEABILITY.—Section 202(b) of such Act (8 U.S.C. 1152(b)) shall apply in determining the foreign state to which an alien is chargeable for purposes of this subsection.

(6) SHORTAGE OCCUPATIONS.—

(A) IN GENERAL.—For each of fiscal years 2020 through 2028, not fewer than 5,000 of the immigrant visas made available under paragraph (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) shall be allotted to immigrants who are—

(i) described in section 656.5(a) of title 20, Code of Federal Regulations (or a successor regulation); and

(ii) seeking admission to the United States to work in an occupation described in that section.

(B) FISCAL YEARS 2020, 2021, AND 2022.—The visas allotted under this paragraph for fiscal years 2020, 2021, and 2022 shall be allotted in addition to the visas allotted for such fiscal years under paragraph (1).

**SEC. 3. POSTING AVAILABLE POSITIONS THROUGH THE DEPARTMENT OF LABOR.**

(a) DEPARTMENT OF LABOR WEBSITE.—Section 212(n)(6) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(6)) is amended to read as follows:

“(6) For purposes of complying with paragraph (1)(C)—

“(A) Not later than 180 days after the date of the enactment of the Fairness for High-Skilled Immigrants Act of 2019, the Secretary of Labor shall establish a searchable internet website for posting positions in accordance with paragraph (1)(C) that is available to the public without charge, except that the Secretary may delay the launch of such website for a single period identified by the Secretary by notice in the Federal Register that shall not exceed 30 days.

“(B) The Secretary may work with private companies or nonprofit organizations to develop and operate the Internet website described in subparagraph (A).

“(C) The Secretary shall promulgate rules, after notice and a period for comment, to carry out this paragraph.”.

(b) PUBLICATION REQUIREMENT.—The Secretary of Labor shall submit to Congress, and publish in the Federal Register and in other appropriate media, a notice of the date on which the Internet website required under section 212(n)(6) of the Immigration and Nationality Act, as established by subsection (a), will be operational.

(c) APPLICATION.—The amendment made by subsection (a) shall apply to any application filed on or after the date that is 90 days after the date described in subsection (b).

(d) INTERNET POSTING REQUIREMENT.—Section 212(n)(1)(C) of such Act is amended—

(1) by redesignating clause (ii) as subclause (II);

(2) by striking “(i) has provided” and inserting the following:

“(ii)(I) has provided”; and

(3) by inserting before clause (ii), as redesignated by paragraph (2), the following:

“(i) except in the case of an employer filing a petition on behalf of an H-1B nonimmigrant who has already been counted against the numerical limitations and is not eligible for a full 6-year period, as described in section 214(g)(7), or on behalf of an H-1B nonimmigrant authorized to accept employment under section 214(n), has posted on the internet website described in paragraph (6), for at least 30 calendar days, a description of each position for which a nonimmigrant is sought, that includes—

“(I) the occupational classification, and if different the employer’s job title for the position, in which the nonimmigrant(s) will be employed;

“(II) the education, training, or experience qualifications for the position;

“(III) the salary or wage range and employee benefits offered;

“(IV) the location(s) at which the nonimmigrant(s) will be employed; and

“(V) the process for applying for a position; and”.

**SEC. 4. H-1B EMPLOYER APPLICATION REQUIREMENTS.**

(a) WAGE DETERMINATION INFORMATION.—Section 212(n)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(D)) is amended by inserting “the prevailing wage determination methodology used under subparagraph (A)(i)(II),” after “shall contain”.

(b) NEW APPLICATION REQUIREMENTS.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended by inserting after subparagraph (G)(ii) the following:

“(H)(i) The employer, or a person or entity acting on the employer’s behalf, has not advertised any available position specified in the application in an advertisement that states or indicates that—

“(I) such position is only available to an individual who is or will be an H-1B nonimmigrant; or

“(II) an individual who is or will be an H-1B nonimmigrant shall receive priority or a preference in the hiring process for such position.

“(ii) The employer has not primarily recruited individuals who are or who will be H-1B nonimmigrants to fill such position.

“(I) If the employer, in a previous period specified by the Secretary, employed one or more H-1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W-2 Wage and Tax Statements filed by the employer with respect to the H-1B nonimmigrants for such period.”

(c) LABOR CONDITION APPLICATION FEE.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended by adding at the end the following:

“(6)(A) The Secretary of Labor shall promulgate a regulation that requires applicants under this subsection to pay an administrative fee to cover the average paperwork processing costs and other administrative costs.

“(B)(i) Fees collected under this paragraph shall be deposited as offsetting receipts within the general fund of the Treasury in a separate account, which shall be known as the ‘H-1B Administration, Oversight, Investigation, and Enforcement Account’ and shall remain available until expended.

“(ii) The Secretary of the Treasury shall refund amounts in such account to the Secretary of Labor for salaries and related expenses associated with the administration, oversight, investigation, and enforcement of the H-1B nonimmigrant visa program.”

(d) ELMINATION OF B-1 IN LIEU OF H-1.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following:

“(12)(A) Unless otherwise authorized by law, an alien normally classifiable under section 101(a)(15)(H)(i) who seeks admission to the United States to provide services in a specialty occupation described in paragraph (1) or (3) of subsection (i) may not be issued a visa or admitted under section 101(a)(15)(B) for such purpose.

“(B) Nothing in this paragraph may be construed to authorize the admission of an alien under section 101(a)(15)(B) who is coming to the United States for the purpose of performing skilled or unskilled labor if such admission is not otherwise authorized by law.”

#### SEC. 5. INVESTIGATION AND DISPOSITION OF COMPLAINTS AGAINST H-1B EMPLOYERS.

(a) INVESTIGATION, WORKING CONDITIONS, AND PENALTIES.—Section 212(n)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)) is amended by striking clause (iv) and inserting the following:

“(iv)(I) An employer that has filed an application under this subsection violates this clause by taking, failing to take, or threatening to take or fail to take a personnel action, or intimidating, threatening, restraining, coercing, blacklisting, discharging, or discriminating in any other manner against an employee because the employee—

“(aa) disclosed information that the employee reasonably believes evidences a violation of this subsection or any rule or regulation pertaining to this subsection; or

“(bb) cooperated or sought to cooperate with the requirements under this subsection or any rule or regulation pertaining to this subsection.

“(II) An employer that violates this clause shall be liable to the employee harmed by such violation for lost wages and benefits.

“(III) In this clause, the term ‘employee’ includes—

“(aa) a current employee;

“(bb) a former employee; and

“(cc) an applicant for employment.”

(b) INFORMATION SHARING.—Section 212(n)(2)(H) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(H)) is amended to read as follows:

“(H)(i) The Director of U.S. Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by employers of H-1B nonimmigrants as part of the petition adjudication process that indicates that the employer is not complying with visa program requirements for H-1B nonimmigrants.

“(ii) The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.”

#### SEC. 6. LABOR CONDITION APPLICATIONS.

(a) APPLICATION REVIEW REQUIREMENTS.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended, in the undesignated matter following subparagraph (I), as added by section 4(b)—

(1) in the fourth sentence, by inserting “, and through the internet website of the Department of Labor, without charge.” after “Washington, D.C.”;

(2) in the fifth sentence, by striking “only for completeness” and inserting “for completeness, clear indicators of fraud or misrepresentation of material fact.”;

(3) in the sixth sentence, by striking “or obviously inaccurate” and inserting “, presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate”; and

(4) by adding at the end the following: “If the Secretary’s review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing in accordance with paragraph (2).”

(b) ENSURING PREVAILING WAGES ARE FOR AREA OF EMPLOYMENT AND ACTUAL WAGES ARE FOR SIMILARLY EMPLOYED.—Section 212(n)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(A)) is amended—

(1) in clause (i), in the undesignated matter following subclause (II), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “, and”; and

(3) by adding at the end the following:

“(iii) will ensure that—

“(I) the actual wages or range identified in clause (i) relate solely to employees having substantially the same duties and responsibilities as the H-1B nonimmigrant in the geographical area of intended employment, considering experience, qualifications, education, job responsibility and function, specialized knowledge, and other legitimate business factors, except in a geographical area there are no such employees, and

“(II) the prevailing wages identified in clause (ii) reflect the best available information for the geographical area within normal commuting distance of the actual address of employment at which the H-1B nonimmigrant is or will be employed.”

(c) PROCEDURES FOR INVESTIGATION AND DISPOSITION.—Section 212(n)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(A)) is amended—

(1) by striking “(2)(A) Subject” and inserting “(2)(A)(i) Subject”;

(2) by striking the fourth sentence; and

(3) by adding at the end the following:

“(ii)(I) Upon receipt of a complaint under clause (i), the Secretary may initiate an investigation to determine whether such a failure or misrepresentation has occurred.

“(II) The Secretary may conduct—

“(aa) surveys of the degree to which employers comply with the requirements under this subsection; and

“(bb) subject to subclause (IV), annual compliance audits of any employer that employs H-1B nonimmigrants during the applicable calendar year.

“(III) Subject to subclause (IV), the Secretary shall—

“(aa) conduct annual compliance audits of each employer that employs more than 100 full-time equivalent employees who are employed in the United States if more than 15 percent of such full-time employees are H-1B nonimmigrants; and

“(bb) make available to the public an executive summary or report describing the general findings of the audits conducted under this subclause.

“(IV) In the case of an employer subject to an annual compliance audit in which there was no finding of a willful failure to meet a condition under subparagraph (C)(ii), no further annual compliance audit shall be conducted with respect to such employer for a period of not less than 4 years, absent evidence of misrepresentation or fraud.”

(d) PENALTIES FOR VIOLATIONS.—Section 212(n)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking “a condition of paragraph (1)(B), (1)(E), or (1)(F)” and inserting “a condition of paragraph (1)(B), (1)(E), (1)(F), (1)(H), or 1(I)”;

(B) in subclause (I), by striking “\$1,000” and inserting “\$3,000”;

(2) in clause (ii)(I), by striking “\$5,000” and inserting “\$15,000”;

(3) in clause (iii)(I), by striking “\$35,000” and inserting “\$100,000”; and

(4) in clause (vi)(III), by striking “\$1,000” and inserting “\$3,000”.

(e) INITIATION OF INVESTIGATIONS.—Section 212(n)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(G)) is amended—

(1) in clause (i), by striking “In the case of an investigation” in the second sentence and all that follows through the period at the end of the clause;

(2) in clause (ii), in the first sentence, by striking “and whose identity” and all that follows through “failure or failures,” and inserting “the Secretary of Labor may conduct an investigation into the employer’s compliance with the requirements under this subsection.”;

(3) in clause (iii), by striking the second sentence;

(4) by striking clauses (iv) and (v);

(5) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(6) in clause (iv), as so redesignated—

(A) by striking “clause (viii)” and inserting “clause (vi)”;

(B) by striking “meet a condition described in clause (ii)” and inserting “comply with the requirements under this subsection”;

(7) by amending clause (v), as so redesignated, to read as follows:

“(v)(I) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation under clause (i) or (ii).

“(II) The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced.

“(III) The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection.

“(IV) A determination by the Secretary under this clause shall not be subject to judicial review.”

(8) in clause (vi), as so redesignated, by striking “An investigation” in the first sentence and all that follows through “the determination.” in the second sentence and inserting “If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make

a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 60 days after the date of such determination.”; and

(9) by adding at the end the following:

“(vii) If the Secretary of Labor, after a hearing, finds that the employer has violated a requirement under this subsection, the Secretary may impose a penalty pursuant to subparagraph (C).”.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have 5 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, September 17, 2019, at 9:30 a.m., to conduct a hearing.

##### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, September 17, 2019, at 10 a.m., to conduct a hearing.

##### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, September 17, 2019, at 2:30 p.m., to conduct a closed hearing.

##### SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

The Subcommittee on Antitrust, Competition Policy and Consumer Rights of the Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, September 17, 2019, at 2:30 p.m., to conduct a hearing.

##### SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, September 17, 2019, at 3 p.m., to conduct a hearing.

#### PRIVILEGES OF THE FLOOR

Mr. BROWN. Mr. President, I ask unanimous consent that Tanya Otsuka,

a fellow for the minority staff on the Committee on Banking, Housing, and Urban Affairs, be granted floor permission until Tuesday, December 31, and also to recognize Drew Martineau, Abigail Duggan, and Shomari Figures.

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

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 10:17 p.m., adjourned until Wednesday, September 18, 2019, at 10 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate September 17, 2019:

##### DEPARTMENT OF STATE

KENNETH A. HOWERY, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWEDEN.

JOHN RAKOLTA, JR., OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED ARAB EMIRATES.