- (O) the right to a full scope of reproductive health services, including contraceptive care, pregnancy-related care, prenatal care, miscarriage management, family planning services, abortion care, labor and delivery services, and postnatal care;
- (P) the right to breastfeeding support, counseling, and equipment (including manual and electric pumping equipment);
- (Q) the right to prescription medications and medical and surgical services related to gender transition;
- (R) the right to try investigational drugs;
- (S) the right to a second medical opinion;
- (T) the right to home care services;
- $\left(U\right)$ the right to a full scope of hospice and palliative care, and end-of-life options; and
- (V) the right of pediatric patients to a full scope of services offered to adult patients;
- (3) to health information and records privacy;
- (4) to explanations of coverage decisions, including—
- (A) the right to an explanation and appeal if a plan denies payment for a medical treatment or service;
- (B) the right to an internal appeal of payment decisions of private health plans if the health plan refuses to make a payment;
- (C) the right to a review by an outside review, by an independent organization; and
- (D) the right to complain, through grievances processes;
- (5) to transparency, including—
- (A) the right to an easy-to-understand summary of benefits and coverage;
- (B) the right to at least 30 days' notice if an insurer cancels coverage:
- (C) the right to clear justification and explanation for premium increases that are unreasonable;
- (D) the right to know how an enrollee's plan pays its providers;
- (E) the right to give informed consent and understanding about medical conditions, risks and benefits of treatment, and appropriate alternatives:
- (F) the right to know how drug companies set drug prices; and
- (G) the right to know the amount of money pharmacy benefit managers keep and the amount of savings from pharmacy benefits managers that reach patients and consumers:
- (6) to protection from discrimination, including on the basis of race, color, national origin, sex (including sexual orientation and gender identity), age, disability, or documentation status; and
- (7) to culturally appropriate care, including health care services in a language that the patient understands and that is culturally sensitive.

AMENDMENTS SUBMITTED AND PROPOSED

SA 906. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 386, to amend the Immigration and Nationality Act to eliminate the percountry numerical limitation for employment-based immigrants, to increase the percountry numerical limitation for family-sponsored immigrants, and for other purposes; which was referred to the Committee on the Judiciary.

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the Republic of the Sudan, and for other purposes

SA 909. Mr. THUNE (for Mr. CRUZ (for himself and Mr. DURBIN)) proposed an amendment to the resolution S. Res. 188, supra.

TEXT OF AMENDMENTS

SA 906. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 386, 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:

At the end, add the following:

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 added, 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 REQUIRE-MENTS.

- (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.—Sec-
- (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 non-immigrant; 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) ELIMINATION 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 non-immigrant 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)"; and

(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)"; and

(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)."

SA 907. Mr. THUNE (for Mrs. SHA-HEEN) proposed an amendment to the bill S. 239, to require the Secretary of the Treasury to mint coins in recognition of Christa McAuliffe; as follows:

On page 4, line 13, strike "2020" and insert "2021".

On page 5, line 6, strike "2020" and insert "2021".

On page 5, line 7, strike "2020" and insert "2021".

SA 908. Mr. THUNE (for Mr. CRUZ (for himself and Mr. DURBIN)) proposed an amendment to the resolution S. Res. 188, encouraging a swift transfer of power by the military to a civilian-led political authority in the Republic of the Sudan, and for other purposes; as follows:

Strike all after the resolving clause and insert the following:

That the Senate-

(1) supports the African Union Peace and Security Council's initial 2-week deadline urging a swift transfer of power by the military to a civilian-led political authority in Sudan that—

(A) has a civilian character and composition reflecting the will of the Declaration of Freedom and Change Forces leading negotiations on behalf of citizens; and

(B) immediately begins a transparent process leading to credible elections and security sector reforms:

(2) calls on the ruling authorities in Sudan— $\,$

(A) to respect the right to freedom of association and expression;

(B) to protect the rights of opposition political parties, journalists, human rights defenders, religious minorities, nongovernmental organizations, and civic movements to operate without interference;

(C) to lift the bureaucratic restrictions on, and facilitate access for, humanitarian relief operations;

(D) to introduce strong measures to create transparency and address the structural corruption and kleptocracy of the state;

(E) to pursue accountability for serious crimes and human rights abuses by former President al-Bashir's regime and permit international human rights monitors to deploy in Sudan to examine the allegations of atrocities committed against protesters and civilians during 2019;

(F) to release remaining political prisoners and refrain from arbitrary arrest, detention, and torture; and

(G) to immediately restore Internet access and avoid further denial of access to suppress the fundamental human right of freedom of expression and association by Sudanese citizens:

(3) urges the United States Government to lead in efforts that advance a peaceful transfer of power and a civilian-led transition period focused on creating the conditions under which timely democratic elections can be held that will meet international standards and be overseen by credible domestic and international electoral observers, and for the peaceful resolution of Sudan's conflicts:

(4) encourages the African Union and its member states to continue supporting the Sudanese people's aspirations for democracy, justice, and peace;

(5) expresses concern that the participation in the transitional government of individuals who have been implicated in possible war crimes would undermine efforts to restore peace and democracy and pursue justice and accountability in Sudan;

(6) emphasizes that until a transition to a credible civilian-led government that reflects the aspirations of the Sudanese people is established, the process to consider removing Sudan from the State Sponsor of Terrorism List, lifting any other remaining sanctions on Sudan, or normalizing relations with the Government of Sudan will continue to be suspended; and

(7) stands in solidarity with the people of Sudan and their aspirations for a democratic, participatory government.

SA 909. Mr. THUNE (for Mr. CRUZ (for himself and Mr. DURBIN)) proposed an amendment to the resolution S. Res. 188, encouraging a swift transfer of power by the military to a civilian-led political authority in the Republic of the Sudan, and for other purposes; as follows:

Strike the preamble and insert the following:

Whereas the nation of Sudan has endured corrupt and brutal dictatorships for most of its post-independence period since 1956;

Whereas President Omar al-Bashir came to power through a military coup in 1989, and for the next 3 decades his government was responsible for horrendous crimes in Sudan, especially in Darfur, South Kordofan, Blue Nile, and in what is now the Republic of South Sudan;

Whereas the United States Government designated Sudan as a State Sponsor of Terrorism on August 12, 1993, for its support to international terrorist organizations and extremists, including elements of what would later be known as al Qaeda;

Whereas more than 2 decades of civil war between President al-Bashir's government and insurgents in southern Sudan resulted in more than 2,000,000 deaths and led to the eventual independence of South Sudan in 2011:

Whereas in 2003, President al-Bashir's government launched a ruthless crackdown against insurgents and civilians in Darfur, which killed at least 300,000 Sudanese and displaced 2,500,000 more people, prompting Congress and the Administration of President George W. Bush, in 2004, to describe the Government of Sudan's actions in Darfur as genocide;

Whereas in 2011, when conflict resumed in South Kordofan and Blue Nile states, President al-Bashir's government conducted indiscriminate bombings, raided villages, raped and killed civilians, and waged a campaign of forced starvation in the Nuba Mountains region of South Kordofan that displaced as many as 2,000,000 people:

Whereas, while the fighting between government forces and insurgents in Darfur has subsided since 2016, violent attacks against civilians continue and humanitarian access remains restricted in some opposition stronghold areas of Darfur, South Kordofan, and Blue Nile:

Whereas President al-Bashir remains the subject of 2 outstanding arrest warrants from the International Criminal Court based on charges that include 5 counts of crimes against humanity, 2 counts of war crimes, and 3 counts of genocide;

Whereas Sudan's economic crisis risks bringing the national economy to total collapse, further increasing the possibility of state failure and broader regional destabilization that could threaten a wide array of United States' interests in East and North Africa and the Red Sea regions;

Whereas the people of Sudan have engaged since December 2018 in a wave of peaceful protests throughout the country, demanding an end to President al-Bashir's brutal regime and pressing for a citizen-centered democratic transition;

Whereas women have played a prominent role in the protest movement and have helped to bring about the ouster of former President al-Bashir:

Whereas President al-Bashir's government unlawfully detained and tortured hundreds of Sudanese during the protests, including political leaders, journalists, doctors, unionists, and youth and women leaders, in gross violation of international civil and human rights some of whom remain in detention.

Whereas on February 22, 2019, President al-Bashir declared a year-long nationwide state of emergency and curfew, dissolved his government, replaced state governors with senior security officers, and expanded the powers of Sudan's security forces;

Whereas when protesters in early April 2019 challenged President al-Bashir's decrees and gathered in the tens of thousands in front of Sudan's military headquarters in Khartoum to call for an end to the al-Bashir regime, some elements of the security forces tried to disperse the crowds with violence, leading to clashes between internal security forces and the military as some soldiers sought to protect the protesters;

Whereas on April 11, 2019, after 5 days of mass protests in front of their headquarters, Sudan's military removed President al-Bashir from office, and the country's First Vice President and Minister of Defense, Lt. General Awad Ibn Auf—

(1) announced that he would lead a Transitional Military Council that would rule the country for a 2-year period:

(2) suspended the Constitution;

(3) the dissolved the National Assembly;

(4) imposed a 3-month State of Emergency and nightly curfew;

Whereas Lt. General Abdel-Fattah al-Burhan, former general inspector of the Sudanese Armed Forces, who replaced Lt. General Ibn Auf on April 12, 2019, as the chairman of the Transitional Military Council, said, on April 21, 2019, that the council was "ready to hand over power tomorrow to a civilian government agreed by political forces":

Whereas the Rapid Support Forces, paramilitary forces led by Lt. General Mohammed Hamdan Dagolo (also known as "Hemmeti"), a former Janjaweed leader who currently serves as the deputy chairman of the Transitional Military Council—

(1) have been implicated by the United Nations Panel of Experts in widespread violations of international humanitarian law that human rights groups suggest may amount to war crimes; and

(2) have been accused of killing protesters during the recent uprising;

Whereas, the African Union Peace and Security Council convened on April 30, 2019, and reiterated its conviction that "a military-led transition in Sudan will be totally unacceptable and contrary to the will and legitimate aspirations" of the Sudanese people, expressed "deep regret" that the military had not stepped aside, and, noting negotiations were underway, demanded that the military hand over power to a civilian-led transitional authority within 60 days;

Whereas on June 3, 2019, the Rapid Support Forces led a brutal attack on peaceful protesters, with the aim of eradicating a large sit-in site in front of Sudan's military head-quarters in Khartoum, which resulted in more than 100 deaths, hundreds of injuries, several cases of rape, indiscriminate beatings and shooting of unarmed protesters, and other human rights abuses;

Whereas, the Khartoum massacre on June 3, 2019, was followed by a nationwide crackdown led by the Rapid Support Forces against peaceful protesters and civilians that included—

(1) violent attacks on citizens in Khartoum and other major cities;

(2) the brutal detention of protesters and opposition leaders like Yasir Arman, with many disappearances of those detained;

(3) the targeting of hospitals and medical workers caring for the injured; and

(4) the overt attempts by Sudanese authorities to cover-up the scale of their atrocities by dumping bodies in the Nile river and shutting off access to the Internet: and

Whereas, the international community has widely condemned the actions of the Rapid Support Forces, with the African Union's Peace and Security Council voting on June 6, 2019, to suspend Sudan from all African Union activities until a civilian government is formed, and United Nations' experts appointed by the United Nations Human Rights Council, on June 12, 2019, calling for an independent investigation into the violence against protesters in Sudan: Now, therefore, be it

AUTHORITY FOR COMMITTEES TO MEET

Mr. THUNE. 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 THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session