XVIII of the Social Security Act to support rural residency training funding that is equitable for all States, and for other purposes.

S. 1902

At the request of Ms. CORTEZ MASTO, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1902, a bill to empower communities to establish a continuum of care for individuals experiencing mental or behavioral health crisis, and for other purposes.

S. 2092

At the request of Ms. SMITH, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 2092, a bill to permanently authorize the Native Community Development Financial Institutions lending program of the Department of Agriculture, and for other purposes.

S. 2233

At the request of Mr. BLUMENTHAL, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 2233, a bill to establish a grant program for shuttered minor league baseball clubs, and for other purposes.

S. 2291

At the request of Mr. CARDIN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2291, a bill to amend the Internal Revenue Code of 1986 to establish a tax credit for production of electricity using nuclear power.

S. 2613

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2613, a bill to provide for climate change planning, mitigation, adaptation, and resilience in the United States Territories and Freely Associated States, and for other purposes.

S. 2675

At the request of Mr. CARDIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2675, a bill to amend the American Rescue Plan Act of 2021 to increase appropriations to Restaurant Revitalization Fund, and for other purposes.

S. 2828

At the request of Mr. TILLIS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2828, a bill to authorize U.S. Citizenship and Immigration Services to process employment-based immigrant visa applications after September 30, 2021, and to award such visas to eligible applicants from the pool of unused employment-based immigrant visas during fiscal years 2020 and 2021.

S. 2952

At the request of Mr. PAUL, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 2952, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow manufacturers and sponsors of a drug to use alternative testing methods to animal testing to investigate the safety and effectiveness of a drug, and for other purposes.

S. 2981

At the request of Mr. RUBIO, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2981, a bill to amend the National Housing Act to establish a mortgage insurance program for first responders, and for other purposes.

S. 3229

At the request of Mrs. FISCHER, the name of the Senator from Missouri (Mr. HAWLEY) was added as a cosponsor of S. 3229, a bill to amend the Agricultural Marketing Act of 1946 to establish a cattle contract library, and for other purposes.

S. 3384

At the request of Mr. BOOKER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 3384, a bill to establish in the Department of State the Office to Monitor and Combat Islamophobia, and for other purposes.

S. 3494

At the request of Mr. OSSOFF, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 3494, a bill to amend the Ethics in Government Act of 1978 to require Members of Congress and their spouses and dependents to place certain assets into blind trusts, and for other purposes.

S. 3518

At the request of Mr. SCHATZ, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 3518, a bill to increase the rates of pay under the statutory pay systems and for prevailing rate employees by 5.1 percent, and for other purposes.

S. 3605

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3605, a bill to amend the Higher Education Act of 1965 to provide formula grants to States to improve higher education opportunities for foster youth and homeless youth, and for other purposes.

S. 3710

At the request of Mr. BOOKER, the names of the Senator from Georgia (Mr. WARNOCK) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 3710, a bill to amend section 249 of title 18, United States Code, to specify lynching as a hate crime act.

S.J. RES. 38

At the request of Mr. MARSHALL, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S.J. Res. 38, a joint resolution relating to a national emergency declared by the President on March 13, 2020.

S. RES. 377

At the request of Ms. ROSEN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 377, a resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE (for himself, Mr. MORAN, Mr. YOUNG, and Mrs. BLACKBURN):

S. 3715. A bill to amend the Electronic Signatures in Global and National Commerce Act to accommodate emerging technologies; to the Committee on Commerce, Science, and Transportation.

Mr. THUNE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''E-SIGN Modernization Act of 2022''.

SEC. 2. REQUIREMENTS FOR CONSENT TO ELECTRONIC DISCLOSURES.

(a) IN GENERAL.—Title I of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.) is amended—

(1) in section 101(c) (15 U.S.C. 7001(c))—

(A) in paragraph (1), by striking subparagraphs (C) and (D) and inserting the following:

''(C) the consumer, prior to consenting, is provided with a statement of the hardware and software requirements for access to and retention of the electronic records; and

''(D) after the consent of a consumer in accordance with subparagraph (A), if a change in the hardware or software requirements needed to access or retain electronic records creates a material risk that the consumer will not be able to access or retain a subsequent electronic record that was the subject of the consent, the person providing the electronic record provides the consumer with a statement of—

''(i) the revised hardware and software requirements for access to and retention of the electronic records; and

''(ii) the right to withdraw consent without the imposition of any fees for such withdrawal and without the imposition of any condition or consequence that was not disclosed under subparagraph (B)(i).'';

(B) by striking paragraph (3); and

(C) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in section 104(d)(1) (15 U.S.C. 7004(d)(1)), by inserting ''or a State regulatory agency'' after ''Federal regulatory agency'';

(3) by striking section 105 (15 U.S.C. 7005); and

(4) by redesignating sections 106 and 107 (15 U.S.C. 7006, 7001 note) as sections 105 and 106, respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ECONOMIC GROWTH, REGULATORY RELIEF, AND CONSUMER PROTECTION ACT.—Section 215(f)(2) of the Economic Growth, Regulatory Relief, and Consumer Protection Act (42 U.S.C. 405b(f)(2)) is amended by striking ''section 106 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006)'' and inserting ''section 105 of the Electronic Signatures in Global and National Commerce Act''.

(2) ELECTRONIC FUND TRANSFER ACT.—Section 920(g)(2)(A) of the Electronic Fund Transfer Act (15 U.S.C. 1693o–1(g)(2)(A)) is amended by striking ''section 106(2) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006(2))'' and inserting ''section 105(2) of the Electronic Signatures in Global and National Commerce Act''.

(3) ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.—The Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.) is amended—

(A) in section 201(a)(2) (15 U.S.C. 7021(a)(2)), by striking ''section 106'' and inserting ''section 105''; and

(B) in section 301(c) (15 U.S.C. 7031(c)), by striking ''section 106'' and inserting ''section 105''.

(c) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, may be construed as affecting the consent provided by any consumer under section 101(c) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001(c)) before the date of enactment of this Act.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. BLUMENTHAL, Mr. TUBERVILLE, Mr. BROWN, Mr. HAGERTY, and Mr. SANDERS):

S. 3720. A bill to amend the Immigration and Nationality Act to reform and reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''H–1B and L–1 Visa Reform Act of 2022''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—H–1B VISA FRAUD AND ABUSE PROTECTIONS

Subtitle A—H–1B Employer Application Requirements

SEC. 101. MODIFICATION OF APPLICATION REQUIREMENTS.

(a) GENERAL APPLICATION REQUIREMENTS.—Section 212(n)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(A)) is amended to read as follows:

''(A) The employer—

''(i) is offering and will offer to H–1B nonimmigrants, during the period of authorized employment for each H–1B nonimmigrant, wages that are determined based on the best information available at the time the application is filed and which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median wage for all workers in the occupational classification in the area of employment; and

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such H–1B nonimmigrant that will not adversely affect the working conditions of United States workers similarly employed by the employer or by an employer with which such H–1B nonimmigrant is placed pursuant to a waiver under paragraph (2)(E).''.

(b) 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) has posted on the Internet website described in paragraph (3), for at least 30 calendar days, a detailed description of each position for which a nonimmigrant is sought that includes a description of—

''(I) the wages and other terms and conditions of employment;

''(II) the minimum education, training, experience, and other requirements for the position; and

''(III) the process for applying for the position; and''.

(c) WAGE DETERMINATION INFORMATION.—Section 212(n)(1)(D) of such Act is amended by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(d) APPLICATION OF REQUIREMENTS TO ALL EMPLOYERS.—

(1) NONDISPLACEMENT.—Section 212(n)(1)(E) of such Act is amended to read as follows:

''(E)(i) The employer—

''(I) will not at any time replace a United States worker with 1 or more H–1B nonimmigrants; and

''(II) did not displace and will not displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer.

''(ii) The 180-day period referred to in clause (i) may not include any period of onsite or virtual training of H–1B nonimmigrants by employees of the employer.''.

(2) RECRUITMENT.—Section 212(n)(1)(G)(i) of such Act is amended by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject''.

(e) WAIVER REQUIREMENT.—Section 212(n)(1)(F) of such Act is amended to read as follows:

''(F) The employer will not place, outsource, lease, or otherwise contract for the services or placement of H–1B nonimmigrants with another employer, regardless of the physical location where such services will be performed, unless the employer of the alien has been granted a waiver under paragraph (2)(E).''.

SEC. 102. NEW APPLICATION REQUIREMENTS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 101, is further 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 employs 50 or more employees in the United States—

''(i) the sum of the number of such employees who are H–1B nonimmigrants plus the number of such employees who are nonimmigrants described in section 101(a)(15)(L) does not exceed 50 percent of the total number of employees; and

''(ii) the employer's corporate organization has not been restructured to evade the limitation under clause (i).

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer will 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.''.

SEC. 103. APPLICATION REVIEW REQUIREMENTS.

(a) TECHNICAL AMENDMENT.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by sections 101 and 102, is further amended, in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer.''.

(b) APPLICATION REVIEW REQUIREMENTS.—Section 212(n)(1)(K), as designated by subsection (a), is amended—

(1) in the fourth sentence, by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

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

(3) in the sixth sentence—

(A) by striking ''or obviously inaccurate'' and inserting '', presents indicators of fraud or misrepresentation of material fact, or is obviously inaccurate''; and

(B) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

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

SEC. 104. H–1B VISA ALLOCATION.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(3)), is amended—

(1) by striking the first sentence and inserting the following:

''(A) Subject to subparagraph (B), aliens who are subject to the numerical limitations under paragraph (1)(A) shall be issued visas, or otherwise provided nonimmigrant status, in a manner and order established by the Secretary by regulation.''; and

(2) by adding at the end the following:

''(B) The Secretary shall consider petitions for nonimmigrant status under section 101(a)(15)(H)(i)(b) in the following order:

''(i) Petitions for nonimmigrants described in section 101(a)(15)(F) who, while physically present in the United States, have earned an advanced degree in a field of science, technology, engineering, or mathematics from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) that has been accredited by an accrediting entity that is recognized by the Department of Education.

''(ii) Petitions certifying that the employer will be paying the nonimmigrant the median wage for skill level 4 in the occupational classification found in the most recent Occupational Employment Statistics survey.

''(iii) Petitions for nonimmigrants described in section 101(a)(15)(F) who are graduates of any other advanced degree program, undertaken while physically present in the United States, from an institution of higher education described in clause (i).

''(iv) Petitions certifying that the employer will be paying the nonimmigrant the median wage for skill level 3 in the occupational classification found in the most recent Occupational Employment Statistics survey.

''(v) Petitions for nonimmigrants described in section 101(a)(15)(F) who are graduates of a bachelor's degree program, undertaken while physically present in the United States, in a field of science, technology, engineering, or mathematics from an institution of higher education described in clause (i).

''(vi) Petitions for nonimmigrants described in section 101(a)(15)(F) who are graduates of bachelor's degree programs, undertaken while physically present in the United States, in any other fields from an institution of higher education described in clause (i).

''(vii) Petitions for aliens who will be working in occupations listed in Group I of the Department of Labor's Schedule A of occupations in which the Secretary of Labor has determined there are not sufficient United States workers who are able, willing, qualified, and available.

''(viii) Petitions filed by employers meeting the following criteria of good corporate citizenship and compliance with the immigration laws:

''(I) The employer is in possession of—

''(aa) a valid E-Verify company identification number; or

''(bb) if the enterprise is using a designated agent to perform E-Verify queries, a valid E-Verify client company identification number and documentation from U.S. Citizenship and Immigration Services that the commercial enterprise is a participant in good standing in the E-Verify program.

''(II) The employer is not under investigation by any Federal agency for violation of the immigration laws or labor laws.

''(III) A Federal agency has not determined, during the immediately preceding 5 years, that the employer violated the immigration laws or labor laws.

''(IV) During each of the preceding 3 fiscal years, at least 90 percent of the petitions filed by the employer under section 101(a)(15)(H)(i)(b) were approved.

''(V) The employer has filed, pursuant to section 204(a)(1)(F), employment-based immigrant petitions, including an approved labor certification application under section 212(a)(5)(A), for at least 90 percent of employees imported under section 101(a)(15)(H)(i)(b) during the preceding 3 fiscal years.

''(ix) Any remaining petitions.

''(C) In this paragraph the term 'field of science, technology, engineering, or mathematics' means a field included in the Department of Education's Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, biological and biomedical sciences, mathematics and statistics, and physical sciences.''.

SEC. 105. H–1B WORKERS EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION.

Section 214(g)(5) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(5)) is amended by striking ''is employed (or has received an offer of employment) at'' each place such phrase appears and inserting ''is employed by (or has received an offer of employment from)''.

SEC. 106. SPECIALTY OCCUPATION TO REQUIRE AN ACTUAL DEGREE.

Section 214(i) of the Immigration and Nationality Act (8 U.S.C. 1184(i)) is amended—

(1) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) attainment of a bachelor's or higher degree in the specific specialty directly related to the occupation as a minimum for entry into the occupation in the United States.''; and

(2) by striking paragraph (2) and inserting the following:

''(2) For purposes of section 101(a)(15)(H)(i)(b), the requirements under this paragraph, with respect to a specialty occupation, are—

''(A) full State licensure to practice in the occupation, if such licensure is required to practice in the occupation; or

''(B) if a license is not required to practice in the occupation—

''(i) completion of a United States degree described in paragraph (1)(B) for the occupation; or

''(ii) completion of a foreign degree that is equivalent to a United States degree described in paragraph (1)(B) for the occupation.''.

SEC. 107. LABOR CONDITION APPLICATION FEE.

Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)), as amended by sections 101 through 103, is further 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 a reasonable application processing fee.

''(B) All of the 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. 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.''.

SEC. 108. H–1B SUBPOENA AUTHORITY FOR THE DEPARTMENT OF LABOR.

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

(1) by redesignating subparagraph (I) as subparagraph (J); and

(2) by inserting after subparagraph (H) the following:

''(I) The Secretary of Labor is authorized to take such actions, including issuing subpoenas and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to ensure employer compliance with the terms and conditions under this subsection. The rights and remedies provided to H–1B nonimmigrants under this subsection are in addition to any other contractual or statutory rights and remedies of such nonimmigrants and are not intended to alter or affect such rights and remedies.''.

SEC. 109. LIMITATION ON EXTENSION OF H–1B PETITION.

Section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) is amended to read as follows:

''(4)(A) Except as provided in subparagraph (B), the period of authorized admission as a nonimmigrant described in section 101(a)(15)(H)(i)(b) may not exceed 3 years.

''(B) The period of authorized admission as a nonimmigrant described in subparagraph (A) who is the beneficiary of an approved employment-based immigrant petition under section 204(a)(1)(F) may be authorized for a period of up to 3 additional years if the total period of stay does not exceed six years, except for an extension under section 104(c) or 106(b) of the American Competitiveness in the Twenty-first Century Act of 2000 (8 U.S.C. 1184 note).''.

SEC. 110. ELIMINATION OF B–1 VISAS IN LIEU OF H–1 VISAS.

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) 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. 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.''.

Subtitle B—Investigation and Disposition of Complaints Against H–1B Employers

SEC. 111. GENERAL MODIFICATION OF 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 ''(A) Subject'' and inserting the following:

''(A)(i) Subject'';

(2) by striking ''12 months'' and inserting ''two years'';

(3) by striking the last sentence; and

(4) by adding at the end the following:

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

''(II) In conducting an investigation under subclause (I), the Secretary may—

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

''(bb) conduct compliance audits of employers that employ H–1B nonimmigrants.

''(III) The Secretary shall—

''(aa) conduct annual compliance audits of not fewer than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year;

''(bb) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants; and

''(cc) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause.

''(iii) The process for receiving complaints under clause (i) shall include a hotline that is accessible 24 hours a day, by telephonic and electronic means.''.

SEC. 112. 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—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F), a substantial failure to meet a condition of paragraph (1)(C), (1)(D), or (1)(G)(i)(I)'' and inserting ''a condition under subparagraph (A), (B), (C), (D), (E), (F), (G)(i), (H), (I), or (J) of paragraph (1)'';

(B) in subclause (I)—

(i) by striking ''$1,000'' and inserting ''$5,000''; and

(ii) by striking ''and'' at the end;

(C) in subclause (II), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(III) an employer that violates paragraph (1)(A) shall be liable to the employees harmed by such violation for lost wages and benefits.'';

(2) in clause (ii)—

(A) in subclause (I)—

(i) by striking ''may'' and inserting ''shall''; and

(ii) by striking ''$5,000'' and inserting ''$25,000'';

(B) in subclause (II), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(III) an employer that violates paragraph (1)(A) shall be liable to the employees harmed by such violation for lost wages and benefits.'';

(3) in clause (iii)—

(A) in the matter preceding subclause (I), by striking ''displaced a United States worker employed by the employer within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition supported by the application'' and inserting ''displaced or replaced a United States worker in violation of subparagraph (E)'';

(B) in subclause (I)—

(i) by striking ''may'' and inserting ''shall'';

(ii) by striking ''$35,000'' and inserting ''$150,000''; and

(iii) by striking ''and'' at the end;

(C) in subclause (II), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(III) an employer that violates paragraph (1)(A) shall be liable to the employees harmed by such violation for lost wages and benefits.'';

(4) 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) In this subparagraph, the term 'employee' includes—

''(aa) a current employee;

''(bb) a former employee; and

''(cc) an applicant for employment.

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

(5) in clause (vi)—

(A) by amending subclause (I) to read as follows:

''(I) It is a violation of this clause for an employer that has filed an application under this subsection—

''(aa) to require an H–1B nonimmigrant to pay a penalty or liquidated damages for ceasing employment with the employer before a date agreed to by the nonimmigrant and the employer; or

''(bb) to fail to offer to an H–1B nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(AA) the opportunity to participate in health, life, disability, and other insurance plans;

''(BB) the opportunity to participate in retirement and savings plans; and

''(CC) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).''; and

(B) in subclause (III), by striking ''$1,000'' and inserting ''$5,000''.

SEC. 113. WAIVER REQUIREMENTS.

(a) IN GENERAL.—Section 212(n)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(E)) is amended to read as follows:

''(E)(i) The Secretary of Labor may waive the prohibition under paragraph (1)(F) if the Secretary determines that the employer seeking such waiver has established that—

''(I) the employer with which the H–1B nonimmigrant would be placed—

''(aa) does not intend to replace a United States worker with 1 or more H–1B nonimmigrants; and

''(bb) has not displaced, and does not intend to displace, a United States worker employed by the employer within the period beginning 180 days before the date of the placement of the nonimmigrant with the employer and ending 180 days after such date (not including any period of on-site or virtual training of H–1B nonimmigrants by employees of the employer);

''(II) the H–1B nonimmigrant will be principally controlled and supervised by the petitioning employer; and

''(III) the placement of the H–1B nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with which the H–1B nonimmigrant will be placed.

''(ii) The Secretary shall grant or deny a waiver under this subparagraph not later than seven days after the date on which the Secretary receives an application for such waiver.''.

(b) RULEMAKING.—

(1) RULES FOR WAIVERS.—The Secretary of Labor, after notice and a period for comment, shall promulgate a final rule for an employer to apply for a waiver under section 212(n)(2)(E) of the Immigration and Nationality Act, as amended by subsection (a).

(2) REQUIREMENT FOR PUBLICATION.—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 rules required under paragraph (1) are promulgated.

SEC. 114. 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 ''if the Secretary of Labor'' and all that follows and inserting ''with regard to the employer's compliance with the requirements under this subsection.'';

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

(3) in clause (iii), by striking the last 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 redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection unless the Secretary of Labor receives the information not later than 2 years'';

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

''(v)(I) Except as provided in subclause (II), the Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation under this subparagraph. Such 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.

''(II) The Secretary of Labor is not required to comply with subclause (I) 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 under this subsection.

''(III) A determination by the Secretary of Labor under this clause shall not be subject to judicial review.'';

(8) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' 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, not later than 120 days after the date of such determination, 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.''; and

(9) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty in accordance with subparagraph (C).''.

SEC. 115. 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) 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. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

SEC. 116. CONFORMING AMENDMENT.

Section 212(n)(2)(F) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(F)) is amended by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''.

Subtitle C—Other Protections

SEC. 121. POSTING AVAILABLE POSITIONS THROUGH THE DEPARTMENT OF LABOR.

(a) DEPARTMENT OF LABOR WEBSITE.—Section 212(n)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(3)) is amended to read as follows:

''(3)(A) Not later than 90 days after the date of the enactment of the H–1B and L–1 Visa Reform Act of 2022, 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.

''(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 may 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)(3) of the Immigration and Nationality Act, as amended 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 30 days after the date described in subsection (b).

SEC. 122. TRANSPARENCY AND REPORT ON WAGE SYSTEM.

(a) IMMIGRATION DOCUMENTS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(m) EMPLOYER TO PROVIDE IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—

''(1) IN GENERAL.—Not later than 21 business days after receiving a written request from a former, current, or prospective employee of an employer who is the beneficiary of an employment-based nonimmigrant petition filed by the employer, such employer shall provide such employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency or department that is related to an immigrant or nonimmigrant petition filed by the employer for such employee or beneficiary.

''(2) WITHHOLDING OF FINANCIAL OR PROPRIETARY INFORMATION.—If a document required to be provided to an employee or prospective employee under paragraph (1) includes any sensitive financial or proprietary information of the employer, the employer may redact such information from the copies provided to such person.''.

(b) GAO REPORT ON JOB CLASSIFICATION AND WAGE DETERMINATIONS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall prepare a report that—

(1) analyzes the accuracy and effectiveness of the Secretary of Labor's current job classification and wage determination system;

(2) specifically addresses whether the systems in place accurately reflect the complexity of current job types and geographic wage differences; and

(3) makes recommendations concerning necessary updates and modifications.

SEC. 123. REQUIREMENTS FOR INFORMATION FOR H–1B AND L–1 NONIMMIGRANTS.

Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s) REQUIREMENTS FOR INFORMATION FOR H–1B AND L–1 NONIMMIGRANTS.—

''(1) IN GENERAL.—Upon issuing a visa to an applicant, who is outside the United States, for nonimmigrant status pursuant to subparagraph (H)(i)(b) or (L) of section 101(a)(15), the issuing office shall provide the applicant with—

''(A) a brochure outlining the obligations of the applicant's employer and the rights of the applicant with regard to employment under Federal law, including labor and wage protections;

''(B) the contact information for appropriate Federal agencies or departments that offer additional information or assistance in clarifying such obligations and rights; and

''(C) a copy of the petition submitted for the nonimmigrant under section 212(n) or the petition submitted for the nonimmigrant under subsection (c)(2)(A), as appropriate.

''(2) APPLICANTS INSIDE THE UNITED STATES.—Upon the approval of an initial petition filed for an alien who is in the United States and seeking status under subparagraph (H)(i)(b) or (L) of section 101(a)(15), the Secretary of Homeland Security shall provide the applicant with the material described in subparagraphs (A), (B), and (C) of paragraph (1).''.

SEC. 124. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire up to 200 additional employees to administer, oversee, investigate, and enforce programs involving nonimmigrant employees described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

(b) SOURCE OF FUNDS.—The cost of hiring the additional employees authorized to be hired under subsection (a) shall be recovered with funds from the H–1B Administration, Oversight, Investigation, and Enforcement Account established under section 212(n)(6) of the Immigration and Nationality Act, as added by section 107.

SEC. 125. TECHNICAL CORRECTION.

Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by redesignating the second subsection (t), as added by section 1(b)(2)(B) of the Act entitled ''An Act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998'' (Public Law 108–449; 118 Stat. 3470), as subsection (u).

SEC. 126. APPLICATION.

Except as specifically otherwise provided, the amendments made by this title shall apply to petitions and applications filed on or after the date of the enactment of this Act.

TITLE II—L–1 VISA FRAUD AND ABUSE PROTECTIONS

SEC. 201. PROHIBITION ON REPLACEMENT OF UNITED STATES WORKERS AND RESTRICTING OUTPLACEMENT OF L–1 NONIMMIGRANTS.

(a) RESTRICTION ON OUTPLACEMENT OF L–1 WORKERS.—Section 214(c)(2)(F) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(F)) is amended to read as follows:

''(F)(i) Unless an employer receives a waiver under clause (ii), an employer may not employ an alien, for a cumulative period exceeding 1 year, who—

''(I) will serve in a capacity involving specialized knowledge with respect to an employer for purposes of section 101(a)(15)(L); and

''(II) will be stationed primarily at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent, including pursuant to an outsourcing, leasing, or other contracting agreement.

''(ii) The Secretary of Labor may grant a waiver of the requirements under clause (i) if the Secretary determines that the employer requesting such waiver has established that—

''(I) the employer with which the alien referred to in clause (i) would be placed—

''(aa) will not at any time replace a United States worker with 1 or more nonimmigrants described in section 101(a)(15)(L); and

''(bb) has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before the date of the placement of such alien with the employer and ending 180 days after such date (not including any period of on-site or virtual training of nonimmigrants described in section 101(a)(15)(L) by employees of the employer);

''(II) such alien will be principally controlled and supervised by the petitioning employer; and

''(III) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for an unaffiliated employer with which the nonimmigrant will be placed, rather than a placement in connection with the provision of a product or service for which specialized knowledge specific to the petitioning employer is necessary.

''(iii) The Secretary shall grant or deny a waiver under clause (ii) not later than seven days after the date on which the Secretary receives the application for the waiver.''.

(b) PROHIBITION ON REPLACEMENT OF UNITED STATES WORKERS.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following:

''(G)(i) An employer importing an alien as a nonimmigrant under section 101(a)(15)(L)—

''(I) may not at any time replace a United States worker (as defined in section 212(n)(4)(E)) with 1 or more such nonimmigrants; and

''(II) may not displace a United States worker (as defined in section 212(n)(4)(E)) employed by the employer during the period

beginning 180 days before and ending 180 days after the date of the placement of such a nonimmigrant with the employer.

''(ii) The 180-day period referenced in clause (i)(II) may not include any period of on-site or virtual training of nonimmigrants described in clause (i) by employees of the employer.''.

(c) RULEMAKING.—The Secretary of Homeland Security, after notice and a period for comment, shall promulgate rules for an employer to apply for a waiver under section 214(c)(2)(F)(ii), as added by subsection (a).

SEC. 202. L–1 EMPLOYER PETITION REQUIREMENTS FOR EMPLOYMENT AT NEW OFFICES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by section 201, is further amended by adding at the end the following:

''(H)(i) If the beneficiary of a petition under this paragraph is coming to the United States to open, or to be employed in, a new office, the petition may be approved for up to 12 months only if—

''(I) the alien has not been the beneficiary of 2 or more petitions under this subparagraph during the immediately preceding 2 years; and

''(II) the employer operating the new office has—

''(aa) an adequate business plan;

''(bb) sufficient physical premises to carry out the proposed business activities; and

''(cc) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary of the petition is eligible for nonimmigrant status under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, for the entire period beginning on the date on which the petition was approved under clause (i), has been doing business at the new office through regular, systematic, and continuous provision of goods and services;

''(VII) a statement of the duties the beneficiary has performed at the new office during the approval period under clause (i) and the duties the beneficiary will perform at the new office during the extension period granted under this clause;

''(VIII) a statement describing the staffing at the new office, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new office; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) A new office employing the beneficiary of an L–1 petition approved under this paragraph shall do business only through regular, systematic, and continuous provision of goods and services for the entire period for which the petition is sought.

''(iv) Notwithstanding clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security, in the Secretary's discretion, may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the office described in this subparagraph for a period beyond the initially granted 12-month period if the importing employer has been doing business at the new office through regular, systematic, and continuous provision of goods and services for the 6 months immediately preceding the date of extension petition filing and demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances, as determined by the Secretary in the Secretary's discretion.''.

SEC. 203. COOPERATION WITH SECRETARY OF STATE.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 201 and 202, is further amended by adding at the end the following:

''(I) The Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify the existence or continued existence of a company or office in the United States or in a foreign country for purposes of approving petitions under this paragraph.''.

SEC. 204. INVESTIGATION AND DISPOSITION OF COMPLAINTS AGAINST L–1 EMPLOYERS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 201 through 203, is further amended by adding at the end the following:

''(J)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements under this subsection.

''(ii) If the Secretary receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

''(iii) The Secretary shall establish a procedure for any person desiring to provide to the Secretary information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary shall provide notice to the employer of the intent to conduct such investigation. 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. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary, 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 the 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 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (K).

''(viii)(I) The Secretary may conduct surveys of the degree to which employers comply with the requirements under this section.

''(II) The Secretary shall—

''(aa) conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable fiscal year;

''(bb) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L); and

''(cc) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause.

''(ix) The Secretary is authorized to take other such actions, including issuing subpoenas and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with the terms and conditions under this paragraph. The rights and remedies provided to nonimmigrants described in section 101(a)(15)(L) under this paragraph are in addition to, and not in lieu of, any other contractual or statutory rights and remedies of such nonimmigrants, and are not intended to alter or affect such rights and remedies.''.

SEC. 205. WAGE RATE AND WORKING CONDITIONS FOR L–1 NONIMMIGRANTS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 201 through 204, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) for a cumulative period of time in excess of 1 year shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median wage for all workers in the occupational classification in the area of employment; and

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed by the employer or by an employer with which such nonimmigrant is placed pursuant to a waiver under subparagraph (F)(ii).

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more such nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and

Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) to require such a nonimmigrant to pay a penalty or liquidated damages for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) to fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).''.

(b) RULEMAKING.—The Secretary of Homeland Security, after notice and a period of comment and taking into consideration any special circumstances relating to intracompany transfers, shall promulgate rules to implement the requirements under section 214(c)(2)(K) of the Immigration and Nationality Act, as added by subsection (a).

SEC. 206. PENALTIES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 201 through 205, is further amended by adding at the end the following:

''(L)(i) If the Secretary of Homeland Security determines, after notice and an opportunity for a hearing, that an employer failed to meet a condition under subparagraph (F), (G), (K), or (M), or misrepresented a material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed $5,000 per violation) as the Secretary determines to be appropriate;

''(II) the Secretary may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants; and

''(III) in the case of a violation of subparagraph (K) or (M), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.

''(ii) If the Secretary finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (K), or (M) or a willful misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed $25,000 per violation) as the Secretary determines to be appropriate;

''(II) the Secretary may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants; and

''(III) in the case of a violation of subparagraph (K) or (M), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.''.

SEC. 207. PROHIBITION ON RETALIATION AGAINST L–1 NONIMMIGRANTS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 201 through 206, is further amended by adding at the end the following:

''(M)(i) An employer that has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) violates this subparagraph 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—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements under this subsection, or any rule or regulation pertaining to this subsection.

''(ii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. 208. ADJUDICATION BY DEPARTMENT OF HOMELAND SECURITY OF PETITIONS UNDER BLANKET PETITION.

(a) IN GENERAL.—Section 214(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(A)) is amended to read as follows:

''(A) The Secretary of Homeland Security shall establish a procedure under which an importing employer that meets the requirements established by the Secretary may file a blanket petition to authorize aliens to enter the United States as nonimmigrants described in section 101(a)(15)(L) instead of filing individual petitions under paragraph (1) on behalf of such aliens. Such procedure shall permit—

''(i) the expedited processing by the Secretary of State of visas for admission of aliens covered under such blanket petitions; and

''(ii) the expedited adjudication by the Secretary of Homeland Security of individual petitions covered under such blanket petitions.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed on or after the date of the enactment of this Act.

SEC. 209. REPORTS ON EMPLOYMENT-BASED NONIMMIGRANTS.

(a) IN GENERAL.—Section 214(c)(8) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(8)) is amended to read as follows—

''(8) The Secretary of Homeland Security or Secretary of State, as appropriate, shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes, with respect to petitions under subsection (e) and each subcategory of subparagraphs (H), (L), (O), (P), and (Q) of section 101(a)(15)—

''(A) the number of such petitions (or applications for admission, in the case of applications by Canadian nationals seeking admission under subsection (e) or section 101(a)(15)(L)) which have been filed;

''(B) the number of such petitions which have been approved and the number of workers (by occupation) included in such approved petitions;

''(C) the number of such petitions which have been denied and the number of workers (by occupation) requested in such denied petitions;

''(D) the number of such petitions which have been withdrawn;

''(E) the number of such petitions which are awaiting final action;

''(F) the number of aliens in the United States under each subcategory under section 101(a)(15)(H); and

''(G) the number of aliens in the United States under each subcategory under section 101(a)(15)(L).''.

(b) NONIMMIGRANT CHARACTERISTICS REPORT.—Section 416(c) of the American Competitiveness and Workforce Improvement Act of 1998 (8 U.S.C. 1184 note) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) ANNUAL H–1B NONIMMIGRANT CHARACTERISTICS REPORT.—The Secretary of Homeland Security shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains—

''(A) for the previous fiscal year—

''(i) information on the countries of origin of, occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b));

''(ii) a list of all employers who petitioned for H–1B workers, the number of such petitions filed and approved for each such employer, the occupational classifications for the approved positions, and the number of H–1B nonimmigrants for whom each such employer filed an employment-based immigrant petition pursuant to section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)); and

''(iii) the number of employment-based immigrant petitions filed pursuant to such section 204(a)(1)(F) on behalf of H–1B nonimmigrants;

''(B) a list of all employers for whom more than 15 percent of their United States workforce is H–1B or L–1 nonimmigrants;

''(C) a list of all employers for whom more than 50 percent of their United States workforce is H–1B or L–1 nonimmigrants;

''(D) a gender breakdown by occupation and by country of origin of H–1B nonimmigrants;

''(E) a list of all employers who have been granted a waiver under section 214(n)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1184(n)(2)(E)); and

''(F) the number of H–1B nonimmigrants categorized by their highest level of education and whether such education was obtained in the United States or in a foreign country.'';

(2) by redesignating paragraph (3) as paragraph (5);

(3) by inserting after paragraph (2) the following:

''(3) ANNUAL L–1 NONIMMIGRANT CHARACTERISTICS REPORT.—The Secretary of Homeland Security shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains—

''(A) for the previous fiscal year—

''(i) information on the countries of origin of, occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or provided nonimmigrant status under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L));

''(ii) a list of all employers who petitioned for L–1 workers, the number of such petitions filed and approved for each such employer, the occupational classifications for the approved positions, and the number of L–1 nonimmigrants for whom each such employer filed an employment-based immigrant petition pursuant to section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)); and

''(iii) the number of employment-based immigrant petitions filed pursuant to such section 204(a)(1)(F) on behalf of L–1 nonimmigrants;

''(B) a gender breakdown by occupation and by country of L–1 nonimmigrants;

''(C) a list of all employers who have been granted a waiver under section 214(c)(2)(F)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(F)(ii));

''(D) the number of L–1 nonimmigrants categorized by their highest level of education and whether such education was obtained in the United States or in a foreign country;

''(E) the number of applications that have been filed for each subcategory of nonimmigrant described under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)), based on an approved blanket petition under section 214(c)(2)(A) of such Act; and

''(F) the number of applications that have been approved for each subcategory of nonimmigrant described under such section 101(a)(15)(L), based on an approved blanket petition under such section 214(c)(2)(A).

''(4) ANNUAL H–1B EMPLOYER SURVEY.—The Secretary of Labor shall—

''(A) conduct an annual survey of employers hiring foreign nationals under the H–1B visa program; and

''(B) issue an annual report that—

''(i) describes the methods employers are using to meet the requirement under section 212(n)(1)(G)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(G)(i)) of taking good faith steps to recruit United States workers for the occupational classification for which the nonimmigrants are sought, using procedures that meet industry-wide standards;

''(ii) describes the best practices for recruiting among employers; and

''(iii) contains recommendations on which recruiting steps employers can take to maximize the likelihood of hiring American workers.''; and

(4) in paragraph (5), as redesignated, by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''.

SEC. 210. SPECIALIZED KNOWLEDGE.

Section 214(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(B)) is amended to read as follows:

''(B)(i) For purposes of section 101(a)(15)(L), the term 'specialized knowledge'—

''(I) means knowledge possessed by an individual whose advanced level of expertise and proprietary knowledge of the employer's product, service, research, equipment, techniques, management, or other interests of the employer are not readily available in the United States labor market;

''(II) is clearly different from those held by others employed in the same or similar occupations; and

''(III) does not apply to persons who have general knowledge or expertise which enables them merely to produce a product or provide a service.

''(ii)(I) The ownership of patented products or copyrighted works by a petitioner under section 101(a)(15)(L) does not establish that a particular employee has specialized knowledge. In order to meet the definition under clause (i), the beneficiary shall be a key person with knowledge that is critical for performance of the job duties and is protected from disclosure through patent, copyright, or company policy.

''(II) Different procedures are not proprietary knowledge within this context unless the entire system and philosophy behind the procedures are clearly different from those of other firms, they are relatively complex, and they are protected from disclosure to competition.''.

SEC. 211. TECHNICAL AMENDMENTS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''.

SEC. 212. APPLICATION.

Except as otherwise specifically provided, the amendments made by this title shall apply to petitions and applications filed on or after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mr. LEAHY, Ms. HIRONO, Ms. CORTEZ MASTO, Ms. DUCKWORTH, and Mr. PADILLA):

S. 3721. A bill to amend the Immigration and Nationality Act to end the immigrant visa backlog, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Resolving Extended Limbo for Immigrant Employees and Families Act'' or the ''RELIEF Act''.

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—

(1) in the paragraph heading, by striking ''AND EMPLOYMENT-BASED'';

(2) by striking ''(3), (4), and (5),'' and inserting ''(3) and (4),'';

(3) by striking ''subsections (a) and (b) of section 203'' and inserting ''section 203(a)'';

(4) by striking ''7'' and inserting ''15''; and

(5) by striking ''such subsections'' and inserting ''such section''.

(b) CONFORMING AMENDMENTS.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) in subsection (a)(3), by striking ''both subsections (a) and (b) of section 203'' and inserting ''section 203(a)'';

(2) by striking subsection (a)(5); and

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

''(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—If it is determined that 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, in determining the allotment of immigrant visa numbers to natives under section 203(a), visa numbers with respect to natives of that state or area shall be allocated (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 visa numbers made available under each of paragraphs (1) through (4) of section 203(a) is equal to the ratio of the total number of visas made available under the respective paragraph to the total number of 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), in the matter preceding paragraph (1), by striking ''subsection (e))'' and inserting ''subsection (d))'';

(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, 2021, and shall apply to fiscal years beginning with fiscal year 2022.

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

(1) IN GENERAL.—Subject to the succeeding paragraphs of this subsection 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 2022, 15 percent of the immigrant visas made available under each of paragraphs (2), (3), and (5) 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 who are beneficiaries of approved petitions for immigrant status under such paragraphs.

(B) For fiscal year 2023, 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 who are beneficiaries of approved petitions for immigrant status under such paragraphs.

(C) For fiscal year 2024, 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 who are beneficiaries of approved petitions for immigrant status under such paragraphs.

(2) PER-COUNTRY LEVELS.—

(A) RESERVED VISAS.—With respect to the visas reserved under each of subparagraphs (A) through (C) of paragraph (1), the number of such visas 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.—With respect to the immigrant visas made available under each of paragraphs (2), (3), and (5) of section 203(b) of such Act (8 U.S.C. 1153(b)) and not reserved under paragraph (1), for each of fiscal years 2022, 2023, and 2024, not more than 85 percent shall 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 2022, 2023, or 2024, the operation of paragraphs (1) and (2) of this subsection would prevent the total number of immigrant visas made available under paragraph (2) or (3) of section 203(b) of such 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) of this subsection.

(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) ENSURING AVAILABILITY OF IMMIGRANT VISAS.—For each of fiscal years 2022 through 2026, notwithstanding sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152), as amended by this Act, additional immigrant visas under section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) shall be made available and allocated—

(A) such that no alien who is a beneficiary of a petition for an immigrant visa under such section 203 receives a visa later than the alien otherwise would have received such visa had this Act not been enacted; and

(B) to permit all visas to be distributed in accordance with this section.

SEC. 3. ENDING IMMIGRANT VISA BACKLOG.

(a) IN GENERAL.—In addition to any immigrant visa made available under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, subject to paragraphs (1) and (2), the Secretary of State shall make immigrant visas available to—

(1) aliens who are beneficiaries of petitions filed under subsection (b) of section 203 of such Act (8 U.S.C. 1153) before the date of the enactment of this Act; and

(2) aliens who are beneficiaries of petitions filed under subsection (a) of such section before the date of the enactment of this Act.

(b) ALLOCATION OF VISAS.—The visas made available under this section shall be allocated as follows:

(1) EMPLOYMENT-SPONSORED IMMIGRANT VISAS.—In each of fiscal years 2022 through 2026, the Secretary of State shall allocate to aliens described in subsection (a)(1) a number of immigrant visas equal to ⅕ of the number of aliens described in such subsection the visas of whom have not been issued as of the date of the enactment of this Act.

(2) FAMILY-SPONSORED IMMIGRANT VISAS.—In each of fiscal years 2022 through 2026, the Secretary of State shall allocate to aliens described in subsection (a)(2) a number of immigrant visas equal to ⅕ of the difference between—

(A) the number of aliens described in such subsection the visas of whom have not been issued as of the date of the enactment of this Act; and

(B) the number of aliens described in subsection (a)(1).

(c) ORDER OF ISSUANCE FOR PREVIOUSLY FILED APPLICATIONS.—The visas made available under this section shall be issued in accordance with section 202 of the Immigration and Nationality Act (8 U.S.C. 1152), as amended by this Act, in the order in which the petitions under section 203 of such Act (8 U.S.C. 1153) were filed.

SEC. 4. KEEPING AMERICAN FAMILIES TOGETHER.

(a) RECLASSIFICATION OF SPOUSES AND MINOR CHILDREN OF LAWFUL PERMANENT RESIDENTS AS IMMEDIATE RELATIVES AND EXEMPTION OF DERIVATIVES.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 201(b) (8 U.S.C. 1151(b))—

(A) in paragraph (1), by adding at the end the following:

''(F) Aliens who derive status under section 203(d).''; and

(B) by amending paragraph (2) to read as follows:

''(2)(A) IMMEDIATE RELATIVES.—Aliens who are immediate relatives.

''(B) DEFINITION OF IMMEDIATE RELATIVE.—In this paragraph, the term 'immediate relative' means—

''(i) a child, spouse, or parent of a citizen of the United States, except that in the case of such a parent such citizen shall be at least 21 years of age;

''(ii) a child or spouse of an alien lawfully admitted for permanent residence;

''(iii) a child or spouse of an alien described in clause (i), who is accompanying or following to join the alien;

''(iv) a child or spouse of an alien described in clause (ii), who is accompanying or following to join the alien;

''(v) an alien admitted under section 211(a) on the basis of a prior issuance of a visa to the alien's accompanying parent who is an immediate relative; and

''(vi) an alien born to an alien lawfully admitted for permanent residence during a temporary visit abroad.

''(C) TREATMENT OF SPOUSE AND CHILDREN OF DECEASED CITIZEN OR LAWFUL PERMANENT RESIDENT.—If an alien who was the spouse or child of a citizen of the United States or of an alien lawfully admitted for permanent residence and was not legally separated from the citizen or lawful permanent resident at the time of the citizen's or lawful permanent resident's death files a petition under section 204(a)(1)(B), the alien spouse (and each child of the alien) shall remain, for purposes of this paragraph, an immediate relative during the period beginning on the date of the citizen's or permanent resident's death and ending on the date on which the alien spouse remarries.

''(D) PROTECTION OF VICTIMS OF ABUSE.—An alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) shall remain, for purposes of this paragraph, an immediate relative if the United States citizen or lawful permanent resident spouse or parent loses United States citizenship on account of the abuse.''; and

(2) in section 203(a) (8 U.S.C. 1153(a))—

(A) in paragraph (1), by striking ''23,400'' and inserting ''111,334''; and

(B) by amending paragraph (2) to read as follows:

''(2) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF LAWFUL PERMANENT RESIDENTS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but are not the children) of aliens lawfully admitted for permanent residence shall be allocated visas in a number not to exceed 26,266, plus—

''(A) the number of visas by which the worldwide level exceeds 226,000; and

''(B) the number of visas not required for the class specified in paragraph (1).''.

(b) PROTECTING CHILDREN FROM AGING OUT.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—For purposes of subsection (d), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using the age of the alien on the date on which the petition is filed with the Secretary of Homeland Security under section 204.'';

(2) by amending paragraph (2) to read as follows:

''(2) PETITIONS DESCRIBED.—A petition described in this paragraph is a petition filed under section 204 for classification of—

''(A) the alien's parent under subsection (a), (b), or (c); or

''(B) the alien as an immediate relative based on classification as a child of—

''(i) a citizen of the United States; or

''(ii) a lawful permanent resident.'';

(3) in paragraph (3), by striking ''subsections (a)(2)(A) and'' and inserting ''subsection''; and

(4) by adding at the end the following:

''(5) TREATMENT FOR NONIMMIGRANT CATEGORIES PURPOSES.—An alien dependent treated as a child for immigrant visa purposes under this subsection shall be treated as a dependent child for nonimmigrant categories.''.

(c) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 101(a)(15)(K)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(ii)) is amended by striking ''section 201(b)(2)(A)(i)'' and inserting ''section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B))''.

(2) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1), by striking ''paragraphs (2) and (3),'' and inserting ''paragraph (2),'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3), as so redesignated, by striking ''through (3)'' and inserting ''and (2)''.

(3) PER COUNTRY LEVEL.—Section 202(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(1)(A)) is amended by striking ''section 201(b)(2)(A)(i)'' and inserting ''section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B))''.

(4) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(A) by striking subparagraphs (A) and (B);

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as so redesignated—

(i) by striking the undesignated matter following clause (ii);

(ii) by striking clause (ii);

(iii) in clause (i), by striking '', or'' and inserting a period; and

(iv) in the matter preceding clause (i), by striking ''section 203(a)(2)(B) may not exceed'' and all that follows through ''23 percent'' in clause (i) and inserting ''section 203(a)(2) may not exceed 23 percent''.

(5) PROCEDURES FOR GRANTING IMMIGRANT STATUS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) in clause (i), by striking ''section 201(b)(2)(A)(i)'' and inserting ''clause (i) or (ii) of section 201(b)(2)(B)'';

(bb) in clause (ii), by striking ''the second sentence of section 201(b)(2)(A)(i)'' and inserting ''section 201(b)(2)(C)'';

(cc) by amending clause (iii) to read as follows:

''(iii)(I) An alien who is described in clause (ii) may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien (and any child of the alien) if the alien demonstrates to the Secretary that—

''(aa) the marriage or the intent to marry the citizen of the United States or lawful permanent resident was entered into in good faith by the alien; and

''(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

''(II) For purposes of subclause (I), an alien described in this subclause is an alien—

''(aa)(AA) who is the spouse of a citizen of the United States or lawful permanent resident;

''(BB) who believed that he or she had married a citizen of the United States or lawful permanent resident and with whom a marriage ceremony was actually performed and

who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States or lawful permanent resident; or

''(CC) who was a bona fide spouse of a citizen of the United States or a lawful permanent resident within the past 2 years and whose spouse died within the past 2 years, whose spouse renounced citizenship status or renounced or lost status as a lawful permanent resident within the past 2 years related to an incident of domestic violence, or who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by a spouse who is a citizen of the United States or a lawful permanent resident spouse;

''(bb) who is a person of good moral character;

''(cc) who is eligible to be classified as an immediate relative under section 201(b)(2)(B) or who would have been so classified but for the bigamy of the citizen of the United States or lawful permanent resident that the alien intended to marry; and

''(dd) who has resided with the alien's spouse or intended spouse.'';

(dd) by amending clause (iv) to read as follows:

''(iv) An alien who is the child of a citizen or lawful permanent resident of the United States, or who was a child of a United States citizen or lawful permanent resident parent who within the past 2 years lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(B), and who resides, or has resided in the past, with the citizen or lawful permanent resident parent may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Secretary that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen or lawful permanent resident parent. For purposes of this clause, residence includes any period of visitation.''; and

(ee) in clause (v)(I), in the matter preceding item (aa), by inserting ''or lawful permanent resident'' after ''citizen'';

(ff) in clause (vi), by striking ''renunciation of citizenship'' and all that follows through ''citizenship status'' and inserting ''renunciation of citizenship or lawful permanent resident status, death of the abuser, divorce, or changes to the abuser's citizenship or lawful permanent resident status''; and

(gg) in clause (vii), by striking ''section 201(b)(2)(A)(i)'' each place it appears and inserting ''section 201(b)(2)(B)'';

(II) by amending subparagraph (B) to read as follows:

''(B)(i)(I) Except as provided in subclause (II), any alien lawfully admitted for permanent residence claiming that an alien is entitled to a classification by reason of the relationship described in section 203(a)(2) may file a petition with the Attorney General for such classification.

''(II) Subclause (I) shall not apply in the case of an alien lawfully admitted for permanent residence who has been convicted of a specified offense against a minor (as defined in subparagraph (A)(viii)(II)), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that such person poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.

''(ii) An alien who was the child of a lawful permanent resident who within the past 2 years lost lawful permanent resident status due to an incident of domestic violence, and who is a person of good moral character, who is eligible for classification under section 203(a)(2), and who resides, or has resided in the past, with the alien's permanent resident alien parent may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Secretary that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent.

''(iii)(I) For purposes of a petition filed or approved under clause (ii), the loss of lawful permanent resident status by a parent after the filing of a petition under that clause shall not adversely affect approval of the petition, and for an approved petition, shall not affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on an approved self-petition under clause (ii).

''(II) Upon the lawful permanent resident parent becoming or establishing the existence of United States citizenship through naturalization, acquisition of citizenship, or other means, any petition filed with the Secretary of Homeland Security and pending or approved under clause (ii) on behalf of an alien who has been battered or subjected to extreme cruelty shall be deemed reclassified as a petition filed under subparagraph (A) even if the acquisition of citizenship occurs after the termination of parental rights.''; and

(III) in subparagraph (D)(i)(I), by striking ''paragraph (1), (2), or (3)'' and inserting ''paragraph (1) or (3)''; and

(ii) in paragraph (2)—

(I) by striking ''spousal second preference petition'' each place it appears and inserting ''petition for the spouse of an alien lawfully admitted for permanent residence''; and

(II) in the undesignated matter following subparagraph (A)(ii), by striking ''preference status under section 203(a)(2)'' and inserting ''classification as an immediate relative under section 201(b)(2)(B)(ii)'';

(B) in subsection (c)(1), by striking ''or preference status''; and

(C) in subsection (k)(1), by striking ''203(a)(2)(B)'' and inserting ''203(a)(2)''.

(6) EXCLUDABLE ALIENS.—Section 212(d)(12)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(12)(B)) is amended by striking ''section 201(b)(2)(A)'' and inserting ''section 201(b)(2) (other than subparagraph (B)(vi))''.

(7) ADMISSION OF NONIMMIGRANTS.—Section 214(r)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(r)(3)(A)) is amended by striking ''section 201(b)(2)(A)(i)'' and inserting ''section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B)).''

(8) DEFINITION OF ALIEN SPOUSE.—Section 216(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1186a(h)(1)(A)) is amended by inserting ''or an alien lawfully admitted for permanent residence'' after ''United States''.

(9) REFUGEE CRISIS IN IRAQ ACT OF 2007.—Section 1243(a)(4) of the Refugee Crisis in Iraq Act of 2007 (Public Law 110–118; 8 U.S.C. 1157 note) is amended by striking ''section 201(b)(2)(A)(i)'' and inserting ''section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B))''.

(10) PROCESSING OF VISA APPLICATIONS.—Section 233(b)(1) of the Department of State Authorization Act, Fiscal Year 2003 (Public Law 107–228; 8 U.S.C. 1201 note) is amended by striking ''section 201(b)(2)(A)(i)'' and inserting ''section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B))''.

By Ms. HIRONO (for herself and Mr. MARKEY):

S.J. Res. 40. A joint resolution formally apologizing for the nuclear legacy of the United States in the Republic of the Marshall Islands and affirming the importance of the free association between the Government of the United States and the Government of the Marshall Islands; to the Committee on Energy and Natural Resources.

Ms. HIRONO. Mr. President, I rise today to introduce a resolution that affirms the importance of our compact of free association with the Republic of the Marshall Islands and apologizes to the people of the Republic of the Marshall Islands on behalf of the U.S. Government for the United States' nuclear testing program. I am thankful to Senator MARKEY for joining me in this resolution as we seek to strengthen the ties between the United States and the Republic of the Marshall Islands.

After freeing what are now the Republic of the Marshall Islands from Japanese control during the Second World War, the United States was entrusted with administering the islands as a part of the United Nations Trust Territory of the Pacific Islands. Under the trusteeship, the United States was charged with promoting self-government and the economic and educational advancement of the islands. The trusteeship also obligated the United States to protect the health of the inhabitants of the trust territory.

President Harry Truman reaffirmed the United States' ''special responsibility'' for the people of the Republic of the Marshall Islands when he reassured the United Nations that the people of the Marshall Islands ''will be accorded all rights which are the normal constitutional rights of the citizens under the Constitution.''

In many ways, the Government of the United States failed to live up to that special responsibility. From 1946 to 1958, the United States conducted 67 thermonuclear tests in the Marshall Islands. The tests contaminated at least 11 of the Marshall Island's 29 atolls. These tests destroyed their land and led to their displacement. Nuclear testing also exposed the Marshallese to radioactive fallout, contributing to increased cancer rates, birth defects, and other serious health conditions. The nuclear testing program has caused irreparable harm to the people of the Republic of the Marshall Islands.

That harm and our collective failure to live up to our nation's responsibilities have similarly failed members of the Armed Forces and civilian contractors that were tasked by our government with cleaning up nuclear waste in the Marshall Islands. In the 1970s, the United States sought to clean up Enewetak Atoll, where the United States conducted over 40 nuclear tests. In an effort to contain radioactive material on Enewetak, members of the

Armed Forces and civilian contractors constructed the Runit Dome, an unlined nuclear waste containment structure that stores approximately 110,000 cubic yards of radioactively contaminated soil and debris. Thousands of servicemembers were exposed to radiation and nuclear waste as they worked to clean up Enewetak Atoll.

To this day, those servicemembers remain ineligible for health benefits through the Department of Veterans Affairs that other ''radiation-exposed veterans'' receive. I am thankful to Senators SMITH and TILLIS for their leadership on this issue, as they seek to secure health benefits for these servicemembers through the Mark Takai Atomic Veterans Healthcare Parity Act.

The Republic of the Marshall Islands is one of the United States' strongest allies and one of its most important partners in the Indo-Pacific region. Since entering into a Compact of Free Association with the United States in the 1980s, thousands of Marshallese have migrated to the United States to live and work. The Marshallese have made invaluable contributions to my home State of Hawaii and have enriched communities throughout the country. The compact also protects U.S. national security interests by providing the U.S. military with exclusive access to the territorial waters of the Marshall Islands and serves as host to the Ronald Reagan Ballistic Missile Defense Test Site on Kwajalein Atoll.

While our relationship with the Republic of the Marshall Islands remains strong, they are in jeopardy. U.S. economic assistance under the Compact of Free Association to the Marshall Islands is set to end in 2023 while near-peer competitors threaten to undermine our alliances. Additionally, climate change poses an existential threat to the Republic of the Marshall Islands.

But in order to continue on with our relationship with the Marshall Islands, we need to reckon with our past. The United States has never apologized for its nuclear testing program in the Marshall Islands. The harm caused by the United States' nuclear legacy in the Marshall Islands cannot be taken back or undone. But as the Republic of the Marshall Islands memorializes today, March 1, as Nuclear Victims Remembrance Day, we can show our contrition and endeavor to build a stronger relationship based on correcting the wrongs of the past and strengthening the special ties that bind our two nations.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 30—EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED NATIONS SHOULD TAKE IMMEDIATE PROCEDURAL ACTIONS NECESSARY TO AMEND ARTICLE 23 OF THE CHARTER OF THE UNITED NATIONS TO REMOVE THE RUSSIAN FEDERATION AS A PERMANENT MEMBER OF THE UNITED NATIONS SECURITY COUNCIL

Mrs. BLACKBURN (for herself, Mr. CRAMER, Mr. GRASSLEY, Mrs. HYDE-SMITH, Mr. SCOTT of Florida, Ms. ERNST, Mr. TILLIS, Mr. DAINES, and Mr. WICKER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 30

Whereas the United Nations Security Council is tasked with upholding international peace and security among the countries of the world;

Whereas the primary responsibility of the United Nations Security Council is to determine the existence of a threat to international peace or act of aggression and to recommend what necessary action should be taken;

Whereas Article 39 of the Charter of the United Nations states that ''The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security'';

Whereas the United Nations Security Council currently has five permanent members: the United States of America, the United Kingdom, France, the People's Republic of China, and the Russian Federation;

Whereas the acts of aggression and malign influence by the Russian Federation and its proxies in Ukraine are a threat to the territorial integrity and democratic sovereignty of Ukraine and run counter to both the letter and spirit of the Security Council's responsibility to maintain peace and security;

Whereas the build-up of nearly 200,000 Russian Federation military troops, artillery, tanks, armor, and other military equipment on Ukraine's border since March 2021 has significantly threatened the safety, security, stability, and sovereignty of Ukraine and has destabilized the security of the continent of Europe;

Whereas, on February 21, 2022, the Russian Federation deployed additional military forces into two Russian-declared separatist regions of eastern Ukraine, which are under Ukrainian government control;

Whereas, on February 22, 2022, Russian Federation President Vladimir Putin recognized the independence of the two Russian-backed separatist republics in eastern Ukraine, the Donetsk and Luhansk People's Republics, and secured parliamentary authorization to deploy additional Russian forces abroad, setting conditions for a further offensive against Ukraine;

Whereas, on February 24, 2022, Russian Federation President Vladimir Putin launched a well-coordinated disinformation campaign, announcing the start of a ''special military operation'' aimed at the ''demilitarization and denazification of Ukraine'' in order ''to protect the people who have been abused by 'the genocide' of the Kyiv regime for 8 years'';

Whereas, on February 24, 2022, the Russian Federation launched multiple unprovoked missile strikes in Kyiv, Ukraine, as well as in numerous key eastern Ukrainian cities, including Kharkiv, Odessa, Mariupol, Dnipro, and Kramatorsk, jeopardizing the safety of civilians and with the intent to strike Ukrainian military infrastructure, including airfields, military depots, air defenses, and command and control sites; and

Whereas the increased aggression of the Russian Federation against the sovereignty of Ukraine has destabilized the security of the continent of Europe and could cause massive casualties, energy shortages, and financial instability across the globe: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the Russian Federation's invasion of Ukraine's sovereign territory and its ongoing support of proxy militias in the region, which together pose a direct threat to international peace and security and run contrary to its responsibilities and obligations as a permanent member of the United Nations Security Council;

(2) urges the President to direct the United States representative to the United Nations to use the voice, vote, and influence of the United States to take all necessary steps to remove the Russian Federation as a Permanent Member of the United Nations Security Council; and

(3) urges other member states to support such efforts to hold the Russian Federation accountable at the United Nations by supporting such efforts.

SENATE CONCURRENT RESOLUTION 31—REQUIRING ALL MEMBERS OF CONGRESS TO PUBLISH A PUBLIC SCHEDULE

Mr. KELLY (for himself and Mr. TESTER) submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Transparency in Congress Resolution of 2022''.

SEC. 2. PUBLICATION OF PUBLIC SCHEDULE.

(a) DEFINITIONS.—In this section—

(1) the term ''disclosure'' has the meaning given that term in section 2302(a)(2) of title 5, United States Code;

(2) the term ''Member of Congress'' has the meaning given that term in section 2106 of title 5, United States Code, except that such term does not include the Vice President; and

(3) the term ''public schedule'' means the public schedule of a Member of Congress required to be published under subsection (b)(1).

(b) REQUIREMENT.—

(1) IN GENERAL.—Not later than the last day of each month, each Member of Congress shall publish a public schedule of the Member of Congress for the preceding month that includes the following:

(A) A daily calendar of—

(i) each hearing, meeting, or event attended by the Member of Congress during the month, either in person or by teleconference or other electronic means, at which the Member of Congress appears in his or her official capacity; and