

**SA 1152.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . EMPLOYMENT VERIFICATION REQUIREMENT FOR FEDERAL CONTRACTORS.**

(a) IN GENERAL.—A contractor shall not be eligible to be awarded a Federal contract for which registration with the Central Contractor Registration (CCR) database maintained under subpart 4.11 of the Federal Acquisition Regulation is required unless the contractor has verified as part of the Online Representations and Certifications Application (ORCA) process required under section 4.1201 of such subpart that the contractor is in compliance with paragraphs (1)(A) and (2) of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324A(a)).

(b) IMPLEMENTATION THROUGH THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council shall amend the Federal Acquisition Regulation issued under sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) to provide for the implementation of the verification requirement under subsection (a).

(c) EFFECTIVE DATE.—The requirement under subsection (a) shall apply with respect to contracts entered into on or after the date that is 180 days after the date of the enactment of this Act.

**SA 1153.** Mr. DORGAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Strike subtitle A of title IV.

**SA 1154.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

**Subtitle D—H-1B Visa Fraud Prevention**

**SEC. 431. SHORT TITLE.**

This subtitle may be cited as the “H-1B Visa Fraud Prevention Act of 2007”.

**SEC. 432. H-1B EMPLOYER REQUIREMENTS.**

(a) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) (8 U.S.C. 1182(n)) is amended—

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

“(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H-1B nonimmigrant with another employer if the worksite of the receiving employer is located in a different State;” and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) IMMIGRATION DOCUMENTS.—Section 204 (8 U.S.C. 1154) is amended by adding at the end the following:

“(1) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the 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 that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.”.

**SEC. 433. H-1B GOVERNMENT AUTHORITY AND REQUIREMENTS.**

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1) (8 U.S.C. 1182(n)) is amended—

(1) in the undesignated paragraph at the end, by striking “The employer” and inserting the following:

“(H) The employer”; and

(2) in subparagraph (H), as designated by paragraph (1) of this subsection—

(A) by inserting “and through the Department of Labor’s website, without charge.” after “D.C.”;

(B) by inserting “, clear indicators of fraud, misrepresentation of material fact,” after “completeness”;

(C) by striking “or obviously inaccurate” and inserting “, presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate”;

(D) by striking “within 7 days of” and inserting “not later than 14 days after”; and

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

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) is amended—

(1) in subparagraph (A), by striking “The Secretary shall conduct” and all that follows and inserting “Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.”;

(2) in subparagraph (C)(i)—

(A) by striking “a condition of paragraph (1)(B), (1)(E), or (1)(F)” and inserting “a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)”;

(B) by striking “(1)(C)” and inserting “(1)(C)(ii)”;

(3) in subparagraph (G)—

(A) in clause (i), by striking “if the Secretary” and all that follows and inserting “with regard to the employer’s compliance with the requirements of this subsection.”;

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

(C) in clause (iii), by striking the last sentence;

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

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

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

“(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an 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 such compliance

would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.”;

(G) 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 shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.”; and

(H) by adding at the end the following:

“(vii) The Secretary of Labor may impose a penalty under subparagraph (C) if the Secretary, after a hearing, finds a reasonable basis to believe that—

“(I) the employer has violated the requirements under this subsection; and

“(II) the violation was not made in good faith.”; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2), as amended by this section, is further amended by inserting after subparagraph (G) the following:

“(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H-1B employers as part of the adjudication process that indicates that the employer is not complying with H-1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.”.

(d) AUDITS.—Section 212(n)(2)(A), as amended by this section, is further amended by adding at the end the following: “The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H-1B nonimmigrants.”.

(e) PENALTIES.—Section 212(n)(2)(C), as amended by this section, is further amended—

(1) in clause (i)(I), by striking “\$1,000” and inserting “\$2,000”;

(2) in clause (ii)(I), by striking “\$5,000” and inserting “\$10,000”; and

(3) in clause (vi)(III), by striking “\$1,000” and inserting “\$2,000”.

(f) INFORMATION PROVIDED TO H-1B NON-IMMIGRANTS UPON VISA ISSUANCE.—Section 212(n), as amended by this section, is further amended by inserting after paragraph (2) the following:

“(3)(A) Upon issuing an H-1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

“(i) a brochure outlining the employer’s obligations and the employee’s rights under Federal law, including labor and wage protections;

“(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers’ rights; and

“(iii) a copy of the employer’s H-1B application for the position that the H-1B nonimmigrant has been issued the visa to fill.

“(B) Upon the issuance of an H-1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—