''(v) the remedy of any identified deficiencies, and

''(vi) the referral of cases of identified or suspected fraud or other misconduct for investigation.

''(F) INELIGIBLE ALIENS.—

''(i) REMOVAL AUTHORIZED.—Except as provided in clause (ii), if the Secretary makes a final determination to deny an application under this section, the Secretary shall place the applicant in removal proceedings to which the alien would otherwise be subject.

''(ii) ALIENS WITH PRIOR ORDERS.—If the final determination to deny an application concerns an alien with an existing order of exclusion, deportation, removal, or voluntary departure from the United States, such order shall be enforced to the same extent as if the application had not been made.

''(G) EMPLOYMENT RECORDS.—Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application under this subsection may not be used in a civil or criminal prosecution or investigation of that employer under section 247A or the tax laws of the United States for the prior unlawful employment of that alien, regardless of the adjudication of such application or reconsideration by the Secretary of such alien's prima facie eligibility determination. Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application under this title shall not be subject to civil and criminal liability pursuant to such section 274A for employing such unauthorized aliens. The protections for employers and aliens shall not apply if the aliens or employers submit employment records that are deemed to be fraudulent.

''(H) CONSTRUCTION.—Nothing in this subsection may be construed to limit the authority of the State to require additional monetary penalties, other evidence of physical presence, or any other requirement for aliens described in paragraph (19)(B) to participate in the State-based nonimmigrant program in such State.''.

(2) JUDICIAL REVIEW.—Section 242(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)) is amended by adding at the end the following:

''(E) JUDICIAL REVIEW OF CERTAIN ELIGIBILITY DETERMINATIONS.—If an alien's application under section 214(s)(20) is denied or revoked, judicial review shall be instituted in the United States District Court for the District of Columbia and shall be limited to determinations of the constitutionality of section 214(s), or any regulations implemented pursuant to such section.''.

(3) NONIMMIGRANTS WITH APPROVED IMMIGRANT PETITIONS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in subsection (a)—

(i) by striking ''if (1) the alien'' and inserting the following: ''if—

''(1) the alien'';

(ii) by striking ''adjustment, (2) the alien'' and inserting the following: ''adjustment;

''(2) the alien'';

(iii) by striking ''residence, and (3) an immigrant visa'' and inserting the following: ''residence; and

''(3) an immigrant visa''; and

(iv) in paragraph (3), by striking ''him at the time his application is filed'' and inserting ''the alien at the time the alien's application is adjudicated''; and

(B) by adding at the end the following:

''(n) ADJUSTMENT OF STATUS APPLICATION AFTER AN APPROVED IMMIGRANT PETITION.—

''(1) APPLICATION.—An alien who has an approved immigrant petition may file an adjustment of status application under subsection (a), which shall remain pending until a visa number becomes available.

''(2) STATUS.—An alien who has properly filed an adjustment of status application under subsection (a) shall, throughout the pendency of such application—

''(A) have a lawful status and be considered lawfully present for purposes of section 212; and

''(B) following a biometric background check, be eligible for employment and travel authorization incident to such status.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

## AUTHORITY FOR COMMITTEES TO MEET

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

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

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, February 13, 2018, at 10 a.m., to conduct a closed hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, February 13, at 10 a.m. to conduct a hearing entitled ''Improving Animal Health: Reauthorization of FDA Animal Drug User Fees.''

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, February 13, 2018, at 9:30 a.m., to conduct a hearing entitled ''Worldwide Threats''.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, February 13, 2018, at 2:30 p.m., to conduct a closed hearing.

SUBCOMMITTEE ON CYBERSECURITY

The Subcommittee on Cybersecurity of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, February 13, 2018, at 2:30 p.m., to conduct a hearing.

## ORDERS FOR WEDNESDAY, FEBRUARY 14, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, February 14; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; I further ask that following leader remarks, the Senate resume and vote on the motion to proceed to H.R. 2579.

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

## ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator MORAN.

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

The Senator from Kansas.

## TRIBAL LABOR SOVEREIGNTY ACT

Mr. MORAN. Mr. President, this week, the National Congress of American Indians is holding its Executive Council Winter Session here in the Nation's Capital, and Tribes and Tribal leaders throughout the Nation are here to meet and to confer and advocate on policies that are important to them and to their Tribal members. I welcome them to Washington, DC, and I encourage them to make known to us as Members of the Senate things that are important to them as Tribal leaders and things that matter directly to their Tribal members.

One of the priorities that I know exist is the issue of Tribal sovereignty. Throughout the conversations you have with Tribal leaders, there is the importance of maintaining the sovereignty of their Tribe.

Tonight, I want to highlight for my colleagues S. 140, a package of Tribal bills that includes the Tribal Labor Sovereignty Act, which I introduced here in the Senate some time ago.

By moving forward on this legislation, and with its passage, we would return to the days where the law was as it existed for 70 years after the passage of the National Labor Relations Act. That was true for 70 years until the National Labor Relations Board stripped the Tribes of their governmental status under NLRA. Passage of this legislation would correct this decade-old error made by the NRLB.

The National Labor Relations Act was passed in 1935. It exempted public sector employees of Federal, State, and local governments. Although it was not explicitly included, Tribal governments had their sovereign status respected by the NLRB for the next 70 years. This approach caused no problems and was what was expected.

Yet, in 2004, the National Labor Relations Board abruptly reversed its treatment of Tribal governments to enact right-to-work laws. Tribes have struggled to find economic success and provide for their people, and many of them still do, but the NLRB has now intruded on the gains that have been made.

The Tribal Labor Sovereignty Act that was introduced, and will be before

the Senate before long, is pretty straightforward. It is straightforward. It amends the National Labor Relations Act to exempt Tribal-owned entities operated on Tribal-owned lands—no more, no less. Businesses owned by individual Tribal members or any operations off the Tribal lands still remain subject to the scrutiny of the National Labor Relations Board.

In 2013, the U.S. Senate voted on the reauthorization of the Violence Against Women Act. It included new authorities for Tribal governments to protect Native American women, including when harmed by non-Indians. With VAWA's passage, Congress placed our trust in Tribes to exact justice. We rightly determined that Tribes should have the ability to punish Indian and non-Indian offenders, but today it is being argued we cannot trust Tribes or Tribal members to justly treat Indian and non-Indian employees.

Many Tribes have the highest wages and provide the best benefits in their region. Tribal jobs are coveted because prospective employees know they are good jobs.

In 2015, the Indian Affairs Committee, of which I am a member, held a legislative hearing on TLSA, the Tribal Labor Sovereignty Act. Testifying that day, among others, was Robert Welch, chairman of the Viejas Band of Kumeyaay Indians in California. That Tribe is a unionized Tribe, but Chairman Welch testified in support of the Tribal Labor Sovereignty Act. Many Tribes do welcome labor unions, and that is all fine. The point here is, the Tribal Labor Sovereignty Act says it is up to Tribes to decide, not the NLRB. More than 160 Tribes and Tribal organizations support this legislation.

In my view, the vote I seek shouldn't be seen as anything partisan. I have worked to pass this legislation without a recorded vote. I have taken it to the floor to do a live UC request but was met with objections. I have worked to get it included in appropriations bills, and yet, at the last minute, it was always forced to be withdrawn, which brings us close to a floor vote on this legislation.

Nearly two dozen Democrats, Members of the U.S. House of Representatives, including a Member from the Democratic leadership, supported this legislation in January, as it passed the House of Representatives in a strong bipartisan way. We also have strong bipartisan backing of this legislation in the U.S. Senate. In fact, the Indian Affairs Committee reported this legislation out by a voice vote last summer.

My point is, the bill is not about labor. This is about the ability of Tribal governments to provide vital services without intrusion. That was the point of the NLRA exemption.

Jefferson Keel, who is the President of the National Congress of American Indians, wrote this week:

Tribes make an array of public services available to their tribal citizens and other local residents: law enforcement, fire and EMS departments, schools and hospitals, and natural resource management. All tribal governments play critical roles in ensuring the safety, health, and stability of tribal and surrounding communities.

That is why cities and counties—local units of government, governmental entities—are excluded from NLRB, and that is why Tribes should also be excluded.

Eighty years later, why is it that every other form of government in this country is treated one way and Tribes are treated a different way? Why do Tribes have to accept this Federal intrusion? The answer is, they should not. This is a matter of sovereignty, and they should be treated just like every other governmental entity under this law.

Members of this Chamber should believe that Tribal governments, elected by their members, possess the right to make informed decisions on behalf of those they represent. I say they do. If their Tribal members believe they have made errors, then they, too, are subject to elections, just like we are.

I rise this evening to encourage my colleagues to reach that same conclusion; that sovereignty is an important component of the way we should treat Native Americans and that Tribes should have the ability to manage their affairs on Tribal lands with Tribal businesses.

I urge my colleagues to vote that way when this legislation reaches the Senate floor.

I yield the floor.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

Thereupon, the Senate, at 6:36 p.m., adjourned until Wednesday, February 14, 2018, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF ENERGY

BRENT K. PARK, OF TENNESSEE, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION, VICE ANNE M. HARRINGTON.

DEPARTMENT OF COMMERCE

JEFFREY NADANER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE DAVID W. MILLS, RETIRED.

DEPARTMENT OF THE TREASURY

CHARLES P. RETTIG, OF CALIFORNIA, TO BE COMMISSIONER OF INTERNAL REVENUE FOR THE TERM EXPIRING NOVEMBER 12, 2022, VICE JOHN ANDREW KOSKINEN, TERM EXPIRED.

DEPARTMENT OF STATE

JONATHAN R. COHEN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

JONATHAN R. COHEN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

HARRY B. HARRIS, JR., OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF AUSTRALIA.

DEPARTMENT OF HOMELAND SECURITY

CHRISTOPHER KREBS, OF VIRGINIA, TO BE UNDER SECRETARY FOR NATIONAL PROTECTION AND PROGRAMS, DEPARTMENT OF HOMELAND SECURITY, VICE GEORGE W. FORESMAN, RESIGNED.

OFFICE OF GOVERNMENT ETHICS

EMORY A. ROUNDS III, OF MAINE, TO BE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS FOR A TERM OF FIVE YEARS, VICE WALTER M. SHAUB, JR., RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

DAVID R. ADDAMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

PANKAJ A. KSHEERSAGAR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

MICHAEL P. SARGENT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

STEVEN M. HEMMANN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

NICHOLAS E. HURD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

MICHAEL C. AGBAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JAY A. IANNACITO

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR MARINE CORPS UNDER TITLE 10, U.S.C. SECTION 531:

*To be major*

NATALIE E. MOORE
BROOKE J. SPEERS

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

KAREN S. SLITER, OF MICHIGAN
ELIA P. VANECHANOS, OF NEW HAMPSHIRE

## CONFIRMATIONS

Executive nominations confirmed by the Senate February 13, 2018:

DEPARTMENT OF TRANSPORTATION

ADAM J. SULLIVAN, OF IOWA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

RONALD L. BATORY, OF NEW JERSEY, TO BE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMINISTRATION.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

RAYMOND MARTINEZ, OF NEW JERSEY, TO BE ADMINISTRATOR OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.