

“(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 sub-

section (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 NLRB.

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