Mr. LAMALFA. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. LAMALFA. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.
Such leases may be for a variety of nonmineral development purposes. While current law generally authorizes Indian Tribes, subject to the approval of the Secretary, to lease their trust and restricted lands, the terms of the leases may be adjusted more than 40 times to adjust the terms and conditions of leases of Indian lands and to authorize leases of specific Indian lands by their Indian owners for a term of up to 99 years, subject to the approval of the Secretary.

Congress has amended the Long-Term Leasing Act more than 40 times to adjust the terms and conditions of leases of Indian lands and to authorize leases of specific Indian lands by their Indian owners for a term of up to 99 years, subject to the approval of the Secretary. While the Natural Resources Committee does not have jurisdiction over section 3 of S. 140, I wish to express my full support for promoting Tribal self-governance by giving Tribes parity with States and local governments for the purposes of the National Labor Relations Act.

Tribal self-governance, or sovereignty, means that a Tribe may make its own laws and be governed by them. Since President Nixon launched the era of Indian self-determination, Tribes have shown that when they assume management and control over their affairs, they actually outperform the Federal Government. Thus, section 3 of S. 140 will continue and enhance the policies of Tribal self-determination that have almost always enjoyed strong bipartisan, bicameral support for these measures.

S. 140, as amended, is fully consistent with promoting this important Tribal economic opportunity and freedom to do as they see fit. Mr. Speaker, I urge a “yes” vote on the bill, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Today, we are debating a bill package that follows a very familiar playbook for House Republican leadership. This bill package is just the latest attempt by my Republican colleagues to push a highly partisan agenda by combining that divisive proposal with noncontroversial items.

Today’s bill includes two bills that passed Senate and House Natural Resources Committee by unanimous consent.

One of these bills would make a technical correction to the previously passed Tribal water settlement, and the other bills would clarify that two pueblos in New Mexico and are just ignored by the majority. For example, we could be moving legislation that would protect and preserve Native American cultural artifacts, or legislation that would address issues at Indian Health Service, or legislation to codify meaningful and robust Tribal self-determination process; or we could be here today passing the bipartisan bill known as the “clean” Carcieri fix.

These bills deserve attention. They are promoted by not only Indian Country, but many, many Members in a bipartisan fashion in this House. I hope we can move past these petty political games soon, which people are, rightfully, sick of having to see.

Mr. Speaker, I urge my colleagues across the aisle to change course and stop blocking consensus bills from moving through this body by combining them with divisive, contentious proposals.

Mr. Speaker, I reserve the balance of my time.

Mr. LaMALFA. Mr. Speaker, I yield 3 minutes to the gentlewoman from South Dakota (Mrs. NOEM).

Mrs. NOEM. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, today, I rise in support of S. 140. I strongly support this bill, but I want to speak today about one particular piece of it—the Tribal Labor Sovereignty Act—which I helped introduce, along with Mr. Bock.

Mr. Speaker, I often stand in this House to oppose interference from the heavy hand of the Federal Government, and this is no different.

In 2004, the National Labor Relations Board, ultimately decided that it needed to meddle in the affairs of Tribe-owned businesses on Tribal lands. This is a board that was set up to oversee union elections but has become the bureaucratic arm of big labor.

By further expanding its jurisdiction, the National Labor Relations Board threatened the foundation of Indian law, the principle of Tribal sovereignty, and the limits of a small Federal Government.

Since the Obama administration implemented this incredible government overreach, dozens of Tribes have supported legislation to clarify that the NLRB’s jurisdiction does not extend to Tribes. The conservative, small government legislation we consider today would make that necessary correction.

Native American Tribes around the country, and especially in my home State of South Dakota, are plagued with grinding poverty, high unemployment, substance abuse, and poor health. They continually seek economic development through self-determination, and the last thing that they need, when trying to improve economic opportunities for their citizens, is a federal bureaucracy further meddles with their efforts.

Quite frankly, Mr. Speaker, I believe that subjecting Native American Tribes to National Labor Relations Board rules is yet another sign that some still want the Federal Government to interfere with Tribal decision-making.

I have sponsored the Tribal Labor Sovereignty Act, and this House has passed it multiple times.

I am proud that many South Dakota Tribes have long supported the bill, including the Cheyenne River Sioux Tribe, the Oglala Sioux Tribe, and the Great Plains Tribal Chairman’s Association.

I urge my colleagues to withdraw the heavy hand of government and again support Tribal sovereignty.

Mr. GRIJALVA. Mr. Speaker, may I inquire as to how much time I have remaining?

Mr. GRIJALVA. Mr. Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Education and the Workforce Committee, and I ask unanimous consent that he may consume.

Mr. Speaker, I rise in opposition to S. 140.

As has been pointed out, buried in section 3 of this otherwise non-controversial water and lands bill is the text of H.R. 986, the Tribal Labor Sovereignty Act. This non-germane provision would strip thousands of employees of their rights and protections under the National Labor Relations Act at Tribal enterprises located on Tribal lands.

At issue in the Tribal Labor Sovereignty Act are two solemn and deeply rooted principles: First, the right that Indian Tribes possess in matters of local self-governance;

Second, the rights of workers to organize unions, bargain collectively, and engage in concerted activities for mutual aid and protection.

Rather than attempting to balance these two important principles, the bill chooses sovereignty for some over the human rights of others. I would note that the approximately 75 percent of workers employed at Tribal casinos are not members of the Tribes running the casino, but this bill would strip labor rights of hundreds of thousands of these workers as well as those who are actually members of the Tribes.

I urge my colleagues to withdraw the bill. This legislation would abandon the carefully drawn balance between Tribal sovereignty and workers’ rights that was adopted in the San
Manuel by a Republican-led National Labor Relations Board in 2004. Perhaps prompted by litigation, the board ruled that the National Labor Relations Act will only apply if it does not impact the exclusive rights of self-governance in purely intramural matters or abrogate rights guaranteed by treaties.

The San Manuel decision is based on legal principles governing Federal laws of general applicability with respect to Indian Tribes that have been upheld by appeals courts for over 30 years. That is why courts have ruled that Tribes must comply with labor and employment laws such as the Fair Labor Standards Act; the Occupational Safety and Health Act; the Employee Retirement Income Security Act, ERISA; and the employer mandate of the Affordable Care Act.

Yet this bill singles out the National Labor Relations Act on the grounds that Tribes must be given parity with State and local governments which statutorily are exempt from the NLRA. Maybe States and localities should have been considered, but the statutes are clear that they are exempt.

This is not a reason why Tribes should be exempt from an otherwise generally applicable law. Furthermore, State and local governments are covered under title VII of the Civil Rights Act; whereas, Tribes are expressly exempt.

For employees of Tribal enterprises, therefore, unions are the sole protection under Federal law against discrimination, including sexual harassment, because they can negotiate a collective bargaining agreement that enforces employees’ rights to be free from such conduct.

Democrats and Republicans together have insisted that our trading partners abide by and enforce basic labor rights anytime we do a trade deal. And Congress has repeatedly required these obligations in trade agreements, but today the House will vote on a bill that takes away the assurance that employees have for the freedom of association if they are employed in many Tribal casinos.

This creates a fair question: Would this legislation place the United States Government in breach of any of the trade agreements that are now in effect? According to the International Labor Organization, in an opinion on a similar decision years ago, it would, in fact, put us in breach of trade agreements.

We should be able to fashion compromises that, frankly, protect both workers’ rights and Tribal sovereignty, but what is before us today fails that test. There is no principled basis for stripping hundreds of thousands of workers from the right to join a union and negotiate better wages simply because they happen to work in a commercial enterprise on Tribal lands.

Mr. Speaker, I urge a “no” vote on the bill, and I reserve the balance of my time.

Mr. LA MALFA. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I thank the gentleman from California for yielding and for his work on this bill.

As he mentioned in the opening statement, I have a provision in the bill that allows the Santa Clara Ohkay Owingeh 99-year leasing program to move forward. That is in resolution to the long-standing problems that we face there. So just a significant provision of the bill, but also the underlying concept that we are going to recognize the sovereignty of our Tribes.

As many people know, some of the Tribes are faced with just very difficult poverty conditions throughout the history of their Tribes since they have been on the reservations, and I work with close friends of mine who are trying to solve these problems and to find resolution to long-term prosperity on the Indian reservations.

So when the National Labor Relations Board reversed its long-standing status of recognizing the sovereignty of our nations—70 years they had recognized that. In 2004, they simply reversed it without much explanation, without any warning, and certainly without precedent.

It has caused things to be much more difficult, especially in States like New Mexico. So the Tribal leaders are saying: We should be sovereign. We should be allowed to make these sorts of decisions without the Federal Government coming in and putting the bureaucracy there.

The underlying concept of the bill is that simply says we want prosperity on Native American lands, we want their sovereign actions to take care of themselves, to move themselves forward. This right that the entire Nation says is the American Dream. Let’s let that occur for the Native Americans in this country. I think the provisions of the bill are very important.

We have been working for 6 years now in Native American housing, another way to help move prosperity into Native American lands. Again, I support the concept of the bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from the Northern Mariana Islands (Mr. SA BLAN), the ranking member of the Subcommittee on Health, Employment, Labor, and Pensions.

Mr. SA BLAN. Mr. Speaker, I rise in opposition to H.R. 886, the Tribal Labor Sovereignty Act of 2017.

The effect of this legislation would be to strip employees who work at businesses owned and operated by an Indian Tribe and located on Indian lands of the protections afforded by the National Labor Relations Act.

I am a Chamorro, one of the native people of the Northern Marianas, and I fully appreciate the importance of Tribal sovereignty for Native Americans. However, this legislation does not properly reconcile the competing interests between sovereign rights and the rights of workers.

At least 75 percent of employees at Tribal casinos are not Tribal members. In some cases, as few as 1 percent of the employees are members of the Tribes operating the casino. These workers have no say in the decision-making of Tribal governments.

Workers have the right to organize, to collectively bargain, and to protect their right to fight for a safe workplace, fair pay to provide a living for themselves and their families, and good benefits. They should not be stripped of these rights simply due to the geography of the workplace.

Federal law and Tribal sovereignty should be able to coexist at Tribal casinos without stripping workers of their rights under the National Labor Relations Act.

Mr. LA MALFA. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. TAKANO), the ranking member of the Subcommittee on Workforce Protections.

Mr. TAKANO. Mr. Speaker, I thank Ranking Member SCOTT for yielding.

Mr. Speaker, I rise in strong opposition to S. 140, which would strip protections from workers who are employed by a Tribally-owned business but are not Tribal members. This includes protection from harassment and discrimination in the workplace.

Title VII of the Civil Rights Act, which prohibits employers from discriminating against employees, does not apply to Tribal enterprises. A non-Tribal worker employed by a Tribally-owned casino, for example, cannot file a harassment or discrimination claim in Federal court or with the Equal Employment Opportunity Commission. Instead, collective bargaining agreements will fill that gap by including provisions that enforce their right to a fair workplace.

By stripping their collective bargaining rights, this legislation eliminates the only recourse that these workers have against discrimination and harassment. This is one of the many unacceptable consequences of this bill.

Now, I have two letters. One from the International Brotherhood of Teamsters and one from the American Federation of State, County, and Municipal Employees, both of which raise strong objections to the majority’s attempt to exclude workers from the rights enshrined in the National Labor Relations Act.

Mr. Speaker, I include these letters in the RECORD.
express our strong opposition to H.R. 896, the Tribal Labor Sovereignty Act. This legislation would exempt all Tribally-owned and -operated commercial enterprises on Indian lands from the National Labor Relations Act (NLRA). We urge you to vote no when the House considers this legislation.

H.R. 896 were to become law, hundreds of thousands of workers at these enterprises, including Teamsters, would be stripped of their protections and rights under the NLRA, foreclosing the right to organize and collective bargaining. It would deprive both Tribal members and non-member employees of the right to form or join unions and to bargain collectively for better wages and working conditions. We should be working to expand the rights and ability of workers to earn a decent living for themselves and their families and to secure a safe and healthy workplace.

While Tribal casinos have been the focus of discussion, this legislation affects not just casino workers. Since the 1980’s Tribes have expanded business interests beyond casinos. They now operate many different revenue-producing commercial enterprises—construction companies, mining operations, and power plants, to hotels, water parks and ski resorts, to name a few. In 2004, the National Labor Relations Board (NLRB) (in San Manuel) ruled that Tribal casino workers should have NLRA protections. Shortly after the San Manuel decision, in the form of amendments, was twice offered to block the NLRB from enacting the San Manuel decision. These amendments were rejected. Since then, the NLRB has proceeded in a measured fashion asserting jurisdiction on a case-by-case basis. The NLRB will not assert jurisdiction where it would interfere with internal governance rights in purely intramural circumstances, as is currently provided by the NLRA.

Mr. Speaker, there is no such requirement in this bill. Protect workers.

Mr. TAKANO. Mr. Speaker, I strongly urge my colleagues to oppose this legislation.

Mr. LAVALLE. Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I urge strong support for all portions of S. 140 today, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding.

I respect and support Tribal sovereignty. I also support workers’ rights to unionize and collective bargaining to improve their workplace and the lives of their family members. Tribal workers’ rights must be balanced, but they are not in this bill.

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the International Labour Organization in respect of a Bill being considered by the United States Congress.

In particular, you have raised concerns about the Tribal Labor Sovereignty Act (H.R. 511) which you state would deny protection under the National Labor Relations Act (NLRA) to the number of workers employed by tribal-owned and tribal-operated enterprises located on tribal territory and ask for the informal opinion of the Office as to whether it is appropriate to exclude workers employed on tribal lands would be in conformity with the principles of freedom of Association which are at the core of the ILO Constitution and ILO’s Fundamental Principles and Rights at Work.

In conformity with the regular procedure concerning requests for an informal opinion from the Labour Relations Division in respect of draft legislation and its possible impact on international labour standards and principles, the views set out below should in no way be considered as prejudging any comments or observations that might be made by the ILO supervisory bodies within the framework of their examination of the application of relevant international labour standards or principles on freedom of association.

Your links to committee reports of the congressional majority and minority and other background information have enabled the Office to consider the views of the parties both for and against the proposed amendment. All appear to stand in recognition of the United States’ obligation to uphold freedom of association and collective bargaining. While the proponents of the Bill assert that this can be achieved through the labour relations’ regimes autonomously determined by the tribal nations, the opponents—and you yourself in your request—mainly focus on the tribal lands from the NLRA will in effect result in a loss (or at the very least, a complete legal and comparative review be undertaken to support assurances that all rights, mechanisms and remedies for the full protection of fundamental rights of association are available to all workers on tribal lands. In the absence of such assurances, it would appear likely that an exclusion of certain workers from the NLRA and its mechanisms would give rise to a failure to ensure to these workers their fundamental freedom of association rights.

In accordance with ILO procedure concerning requests for informal opinions on draft legislation with a view to eventually be brought to the attention of the United States Government and the representative employers’ organization, the US Council for International Business, I hereby express the views set out below.

Yours sincerely,

CORINNE VAROHA
Director of the International Labour Standards Department.

Mr. WALBERG. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in strong support of S. 140, the Tribal Labor Sovereignty Act. In my view, this pending legislation will end the National Labor Relations Board’s alarming overreach into businesses operated on sovereign Tribal lands.

In March of 2017, the Subcommittee on Health, Employment, Labor, and Pensions, which I have the privilege of chairing, held a hearing on this legislation and heard from Native American business leaders on how the NLRA’s arbitrary use of its jurisdiction had been harming businesses large and small on Tribal lands.

Leaders of the Native American community testified before the subcommittee on how the NLRA had meddled in the day-to-day operations and management of Native American businesses, often dragging out matters for years.

To make matters worse, the proceedings led by the NLRA are creating burdensome regulatory costs for businesses who are seeking to provide high-quality goods and services to Native American communities.

While members of the NLRA have changed and have begun to make great progress in making some of the Board’s most damaging decisions, Congress needs to make it clear that Tribal labor sovereignty must be safe from future Washington overreach.

The Tribal Labor Sovereignty Act will clarify the National Labor Relations Act and reverse the troubling encroachment of the Federal Government on Tribal lands.

Congress has the opportunity here to stand up for sovereign rights of Native Americans and the businesses they own and operate on their lands. These Tribes have created their own system of labor protections for employees and employers consistent with their lands and traditions, and it is not for Washington bureaucrats to tamper with those protections.

I urge my colleagues to support the sovereignty of all Native American Tribes and pass the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. POCAN).

Mr. POCAN. Mr. Speaker, I rise to oppose the bill before us that takes away National Labor Relations Act protections for hundreds of thousands of workers.

I support Tribal sovereignty. In my home State of Wisconsin, I am proud the Ho-Chunk Nation is in my district. Potawatomi, Oneida, Menominee, St. Croix Stockbridge-Muske. Lac du Flambeau, Lac Cote Oreilles, Red Cliff, Bad River, and other Tribes all reside in my home State, and I am glad to support the autonomy of those Tribal nations. But this bill isn’t about Tribal sovereignty. It is about going after workers’ rights.

Look at the track record of the majority in this Congress. The Republicans have continued to go after works’ rights, as they have so far. They have repealed the rule that required companies seeking large Federal contracts to disclose violations of labor law. They made it harder for people whose jobs are shipped overseas to get unemployment insurance. They have made it harder for workers whose employers don’t offer retirement plans to save for retirement. They have repealed an OSHA rule requiring employers to maintain accurate records of serious workplace injuries for 5 years, while the administration drastically reduces the number of OSHA inspectors.

This bill isn’t about meaningful sovereignty. It is about selective sovereignty, because it only goes after labor rights.

If this were a bill about sovereignty, it would include lots of other bills that Tribes are compelled to follow in addition to the National Labor Relations Act: the Occupational Safety and Health Act; the Employee Retirement Income Security Act, ERISA; the Family and Medical Leave Act; and the public accommodations of Americans with Disabilities Act, just to start.

If this bill was about sovereignty, it would exempt OSHA and ERISA and the FMLA and the ADA, for starters. But it doesn’t do that. This bill only exempts labor protections for hundreds of thousands of workers, Tribal members and nonmembers, because the majority in this Congress isn’t really worried about sovereignty. It is concerned
about taking away the rights of workers, and that is what this bill is really about.

Mr. Speaker, if this body wants to help Tribes, I am here to help. Bring a bill to the floor that covers all exempted and non-exempted bill that the midriff support. But that is not what is in front of us today.

Mr. Speaker, I include in the RECORD letters of opposition from the International Union of Operating Engineers, the United Food and Commercial Workers, and Unite Here.

**INTERNATIONAL UNION OF OPERATING ENGINEERS, Washington, DC, January 8, 2018.**

**HON. PAUL D. RYAN,**

Washington, DC.

**Dear Speaker Ryan and Leader Pelosi:**

The International Union of Operating Engineers opposes the Tribal Labor Sovereignty Act. Fragmented in S. 140 (H.R. 106) that would eliminate the labor protections currently guaranteed to hundreds of thousands of American workers. Indeed, if enacted, it would constitute a colossal rollback in labor law since the passage of the Taft-Hartley Act in 1947.

The International Union of Operating Engineers (IUOE) represents nearly 400,000 men and women across North America. Members of the International Union of Operating Engineers maintain and operate Native American and non-Native American gaming facilities around the United States, from Connecticut to California, and this legislation would have a direct effect on their lives and livelihoods. The IUOE is the second-biggest union in the hospitality sector. But this legislation extends beyond casinos and gaming. IUOE members work in mining and energy facilities on Native American lands in a number of locations, and those workers eventually could lose their rights as a result of this legislation.

In a few short words, this bill changes current law by exempting the National Labor Relations Act from tribal enterprises on tribal land. The U.S. Labor Relations Board (Board) implements a case-by-case review of whether labor law applies to tribal enterprises. The Board determined that private labor law applies to the San Manuel casino, just as it would with any other commercial operation. Federal courts have interpreted sovereignty does, however, apply to governmental functions of the tribe, just as they would with any state government if passed. The bill would unfairly advantage commercial tribal operations at the expense of non-Native American private-sector companies. Competitors with Native American commercial operations must comply with labor law; Native American operations will not. As members of good-faith efforts well beyond the gaming industry. Tribes are engaged in a variety of commercial enterprises, from mining and energy development, to manufacturing. Over time, it is reasonable to expect that tribal enterprises will expand and compete more aggressively with non-Native companies in a wide variety of commercial ventures, without any concern for the rights of workers.

Tribal labor law is woefully inadequate—virtually non-existent in most tribes around the country. It is no replacement for the nation’s basic legal framework that protects workers’ rights. Eliminating the NLRA for tribal enterprises sways freedom guaranteed to Americans today, including hundreds of thousands of workers at tribal casinos who are not Native American. S. 140 (115-64) would immediately eliminate the rights of thousands of Operating Engineers in workplaces across the United States.

The International Union of Operating Engineers opposes the Tribal Labor Sovereignty Act as rolled into a bill that will be reported to the House of Representatives on Wednesday.

Thank you for your consideration.

Sincerely,

**JAMES T. CALLAHAN,** General President.

**INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, Washington, DC, January 9, 2018.**

**DEAR REPRESENTATIVE:** On behalf of more than one million active and retired members of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), I urge you to vote against S. 140, because it includes provisions from the Tribal Labor Sovereignty Act (H.R. 986). This misguided bill would deny protection under the National Labor Relations Act (NLRA) to hundreds of thousands of workers in tribal casinos. This legislation could also impact dozens of other businesses, including power plants, mining operations, and hotels.

The UAW believes strongly in tribal sovereignty and has a strong record of supporting civil rights. This bill, however, is misleading. It is an attack on fundamental collective bargaining rights and would strip workers in commercial enterprises of their rights and protections under the NLRA. Passed as a part of this bill, when a labor contract expires, a tribe could unilaterally terminate the bargaining relationship with the union without legal consequence under the NLRA. This would be an abrogation of collective bargaining under the NLRA.

Thank you for your consideration.

Sincerely,

**JOSH NASSAR,** Legislative Director.

**UFCW,**

Washington, DC, January 9, 2018.

To All Members of the U.S. House of Representatives.

**DEAR REPRESENTATIVE:** On behalf of the 1.3 million members of United Food and Commercial Workers International Union (UFCW), I am writing to express our strong opposition to the Tribal Labor Sovereignty Act as rolled into a bill that will be reported as S. 140.

UFCW is proud to represent 1,000 members at casinos that operate on tribal lands. These workers have joined together to bargain collectively for good wages, decent benefits, and a voice on the job. Passage of the Tribal Labor Sovereignty Act would take that voice away.

We support sovereignty for tribal governments, but the Tribal Labor Sovereignty Act is broad that it would prevent any worker from exercising their freedom of association under the National Labor Relations Act (NLRA). The vast majority tribal casino workers are not tribal members. Therefore, there have no voice in tribal policy and are not protected under tribal law.

Most federal laws protecting the workplace apply to tribal businesses including the Employee Retirement Income Security Act (ERISA), Occupational Safety and Health Act (OSHA), the Fair Labor Standards Act (FLSA), and NLRA. The NLRA should not be treated any differently than these other important laws that protect workers.

There are many differences between state and local governments and tribal businesses. State and local governments do not operate multi-billion dollar commercial enterprises, nor manage enterprises where the majority of employees are not protected under the NLRA. However, there are some significant differences. Tribes are exempt from employment laws (Title VII of the Civil Rights Act) that apply to state and local governments, whereas private sector contractors work extensively on behalf of state and local governments and generally must comply with the NLRA. Non-tribal members cannot petition a tribe for labor legislation, while workers employed by a state or local government have a voice with their elected leaders. This is significant because 75 percent of Native American gaming employees are not tribal members. At Foxwoods, where the UAW represents the workers, well over 98 percent of employees are not tribal members. Hundreds of tribal gaming facilities make tens of billions in revenue annually, and these employees are working for what is simply a form of taxation competing with non-tribal businesses.

At a time of growing wealth inequality and a shrinking middle class, the last thing Congress should do is deprive workers of their legally enforceable right to form unions and bargain collectively. We urge you to oppose S. 140.
they can change management by voting for different lawmakers, while non-tribal employees and customers have no meaningful way to influence tribal policy.

Congress should be working to expand the rights of American workers, not take them away. We urge you to stand up for American workers and oppose the Tribal Labor Sovereignty Act (H.R. 986).

Sincerely,
ANTHONY P. PERRONE,
International President.

— UNITE HERE!,
Las Vegas, NV

DEAR REPRESENTATIVE: UNITE HERE represents over 275,000 hardworking men and women in the hospitality industry and strongly urges you to oppose the Tribal Labor Sovereignty Act (H.R. 986).

Like most Americans, our members have a deep respect for Native Americans and their role in shaping our nation. Our members also have a deep and abiding respect for the rights of American workers and to uphold the laws that govern our nation and all of its citizens. This brings us to H.R. 986. This bill would exempt all businesses owned and operated by Indian nations from the National Labor Relations Act (NLRA). Tribal businesses, including but not limited to Indian-owned casinos, have workforces and customers that are almost all non-Indian.

If this bill were to become law, American citizens working for Native American businesses would lose their U.S. rights under the NLRA, including “full freedom of association” and “self-organization” without “discrimination.” Over the last 30 years, Indian enterprises that have been exempted from the NLRA as a form of “free trade” have been operating under the stream of interstate commerce, a number of federal laws protecting the workplace have been applied to Indian businesses: Employee Retirement Income Security Act (ERISA), Occupational Safety and Health Act (OSHA), Fair Labor Standards Act (FLSA), and National Labor Relations Act (NLRA). Congress should not treat the rights of American Indians with a different set of rules than those that protect American workers.

Much has been made of the need for this bill to provide tribal governments with “parity” with state and local governments. This comparison is misleading. If not for a U.S. Supreme Court decision, states and local governments do not typically operate multi-billion dollar commercial enterprises. States and local governments do not typically provide health benefits, retirement programs, or other employee benefits.

In a state or locality, if the citizens who live there don’t like the government’s policies, they can vote for people to change those policies. Tribal employees and customers have no meaningful way to influence tribal policies.

In this time of incredible income inequality in our country, Congress should be working to expand the rights of American workers, not finding ways to take them away. H.R. 986 is no different than the laws signed by previous administrations. We urge you to vote against the Tribal Labor Sovereignty Act and urge Members to support this important clarification to Federal law.

Mr. SCOTT of Virginia. Mr. Speaker, I yield you a minute.

The SPEAKER pro tempore. The time of the gentlewoman’s speech has expired. The gentlewoman from Ohio may have but an additional 1 minute.

Ms. KAPTUR. Let me remind my colleagues though, throughout our National Labor Relations Board’s history, it has never and will not assert jurisdiction where it would interfere with a Tribe’s internal governance rights in purely intramural matters.

So I urge my colleagues to oppose this bad bill.

Mr. Speaker, I include in the Record the strong opposition to it from the United Steelworkers of America and from the Communications Workers of America. As a proud daughter of labor, I am proud to stand here today in opposition to this bill.

United Steelworkers,
Pittsburgh, PA, January 9, 2018.

Re United Steelworkers oppose inclusion of anti-worker H.R. 986. Tribal Labor Sov-
ereignty Act of 2017 in S. 140.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 850,000 members of the United Steelworkers (USW), we strongly urge you to oppose S. 140 on the House floor this week. Rather than
being identical to the Senate bill, this version includes the anti-worker and un-democratic Tribal Labor Sovereignty Act of 2017 (H.R. 986).

H.R. 986 would exempt all employees of federally recognized Native American-owned commercial enterprises operated on Indian lands from the protections of the National Labor RelationsAct (NLRA) and would authorize over 567 distinct and separate labor law jurisdictions in the United States.

To be absolutely clear, this legislation strips away Native American and non-Native American—of their NLRA protections. While some organizations have falsely attempted to make tribal governments into similar entities to states (which are exempt from the NLRA), tribal governments are substantially different than states in one key dimension: state governments allow workers an ability to vote for their legislators no matter their ancestry, while most tribal governments require blood quantum or lineal descent to determine who is eligible for membership or citizenship.

Simply put, if H.R. 986 becomes law by inclusion in S. 140, U.S. citizens working in the United States for purely commercial enterprises would not be able to vote for the elected representatives who set their labor laws. These workers will lose the ability to petition their government that oversees their working conditions.

The gaming industry, which is an employer for approximately 295,000 of the 567 federally recognized Indian tribes; and for over 600,000 casino workers on tribal lands, the overwhelming majority of whom are not Native Americans. In 2011 before the Senate Indian Affairs Committee, the National Indian Gaming Commission testified that the vast majority of employees (up to 75 percent) were non-tribal members.

Our Committee understands the importance of the principle of tribal sovereignty; however the fundamental human rights of employees are not the exclusive concern of tribal enterprises or tribal governments. As the International Labor Organization highlighted in a letter on a previous version of this bill, “it is critical that the State (the national authority) takes ultimate responsibility for ensuring respect for freedom of association and collective bargaining rights throughout its territory.”

In 2012 the NLRB under the Bush Administration ruled for the first time that Tribal casino workers should have the benefit of NLRA protections, San Manuel, 341 NLRB No. 139 (2012). Yet, since the San Manuel ruling, the NLRB has asserted jurisdiction on a case-by-case basis. In 2015, the NLRB declined jurisdiction citing the 1830 Treaty of Dancing Rabbit Creek and 1866 Treaty of Ruby Creek (Washington: “We have no doubt that asserting jurisdiction over the Casino and the Nation would effectuate the Act. However, because we find that asserting jurisdiction would abrogate treaty rights specific to the Nation.” Chickasaw Nation Windstar World Casino, 342 NLRB 1162 (2014).

Similarly the NLRB declined jurisdiction: “... when an Indian tribe is fulfilling a governmental function that is unique to its status, fulfilling just such a unique governmental function [providing free health care services solely to tribal members].” Yukon Kuskokwim Health Corporation, 341 NLRB 139 (2004).

The NLRB has developed a reasonable and responsible test to determine jurisdiction. H.R. 986 would hijack this jurisprudential issue over labor law enforcement and grossly undermines worker’s rights. Our union urges you to oppose S. 140, with the inclusion of H.R. 986, and asks you to instead work to expand worker’s rights not restrict them further.

Sincerely,
LEO W. GERARD, InternationalPresident.
settled law that the National Labor Relations Act and other worker protection laws apply to businesses even on Tribal lands outside the context of inherently governmental functions carried out by Tribal governments. This was not something faceless but reuscrat. This was a court of our land that made this decision.

Instead of undermining workers’ rights, this House ought to be moving forward with policies that help our workers and their families make it in America as part of a strong middle class. That means raising wages. It means making child care more affordable. It means expanding access to opportunities like higher education, homeownership, and a secure retirement. Those are the issues that Democrats continue to be focused on.

That is not what this bill focuses on. Instead, Republicans are focused not on helping workers, but trying to pit one group against another group, workers. That is not what we ought to have in this country.

And they are attaching popular, non-controversial natural resources bills to this bill. They have nothing to do with this legislation and would pass this legislation. They have nothing to do with this legislation.

Instead, Republicans are focused not on homeownership, and a secure retirement. Those are the issues that Democrats are focusing on.

Mr. WALBERG. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. Roe), a gentleman who had a distinguished record of supporting and helping and enabling workers.

Mr. ROE of Tennessee. Mr. Speaker, I rise today in strong support of S. 140 and its inclusion of H.R. 986, the Tribal Labor Sovereignty Act.

There are more than 560 federally recognized Native American Tribes across the United States, and each of these Tribes has a unique history and distinct culture that have helped shape who we are today as a nation. Each Tribe has an inherent right to self-govern, just like any other sovereign government does. That right to self-governance is rooted in the Constitution and has been reaffirmed by courts for almost 200 years.

Because of it, Tribal leaders are able to make decisions that affect their people in a way that best protects the interests of their members—or, rather, they should be able to make those decisions.

We are here today because, for the past 14 years, the National Labor Relations Board has ignored longstanding cases. It makes the most sense for their Tribe and best protects the interests of their members—or, rather, they should be able to make those decisions.

Among its other provisions, the bill under consideration would amend the National Labor Relations Act to reaffirm that the NLRB cannot assert its authority over enterprises or institutions owned or operated by a Tribe on Tribal land. It very simply reasserts a legal standard that was in place for decades and returns to Tribes the ability to manage their own labor relations as a sovereign right has.

I want to thank my friend and fellow member of TWU, the Workforce Committee from Indiana (Mr. Rokita) for his leadership on this issue and for continuing to work on those in Congress who have helped lead the fight to protect Tribal sovereignty over the years.

It is time for all of us to join that fight and stand with the Native American community and restore to Indian Tribes the ability to govern their own labor relations.

Mr. Speaker, I am not sure how you support Tribal sovereignty, which, by definition, is a sovereign state, but not allow Tribes to self-govern. I don’t understand that, and I also don’t understand, Mr. Speaker, if our friends on the other side of the aisle today are so worried about getting our work done, why I had to leave committee hearings to come over here three times today to vote not adjoining this body. I would like to know that.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. Norcross).

Mr. NORCROSS. Mr. Speaker, the land of opportunity is right here. It is called the United States of America. But, unfortunately, there is not always a level playing field when it comes to that land of opportunity. This year is the 83rd anniversary of the National Labor Relations Act, the act that gave workers a voice, a voice in the workplace. It gave them the ability to bargain—along with their employers—a living wage, pensions, the ability to retire with dignity.

But today, we are really debating how to hurt workers—that somehow you get treated outside of the reservations in a humane way, where casinos are operating in a very profitable way, but you cross that line, and you are being treated differently. You are being treated less than and doing it all under the guise of Native American sovereignty.

The vast majority of casinos on their properties are treated with respect by employees. But they were able to get away with getting away with treating DREAMers, on making sure that CHIP programs are helping, and they are not scheduled next week to be treated different. You are being treated less than and doing it all under the guise of Native American sovereignty.

The vast majority of casinos on their properties are treated with respect by employees. But they were able to get away with getting away with treating DREAMers, on making sure that CHIP programs are helping, and they are not scheduled next week to be treated different. You are being treated less than and doing it all under the guise of Native American sovereignty.

I urge my colleagues to oppose this bill and stand up for workers, whether they are Native Americans or whoever they may be. Stand up for workers. Respect workers. Understand that workers made this country great, and they deserve our support and our protection.

Mr. Speaker, I urge my colleagues to oppose the Tribal Labor Sovereignty Act.
Tribal Labor Sovereignty Act. This bill (introduced as H.R. 986) has been paired with unrelated bills and packaged as part of S. 149, which the House is expected to vote on today. I am proud to oppose the Tribal Labor Sovereignty Act by voting NO on S. 149.

The Tribal Labor Sovereignty Act would exempt from the protection of the National Labor Relations Act (NLRA) workers employed by tribal-owned and -operated commercial enterprises located on tribal lands. Under the NLRA rights and protections would be denied to more than 600,000 tribal casino workers, the vast majority of whom are not Native American.

This was a 2004 decision by the Bush Administration's National Labor Relations Board (Board), in which the Board applied the NLRA to a tribal casino (San Manuel Indian Bingo and Casino, 341 NLRB No. 138 (2004)). In reaching this decision, the Board applied a test: the NLRA will not apply if its application would "touch exclusive rights of self-governance in purely intramural matters." And, the NLRA will not apply if it would "abrogate Indian treaty rights or conferring legal title to land." While the Board asserted NLRA protections in the San Manuel decision, it ruled the opposite way, denying its jurisdiction in a companion case (Yukon-Kuskokwim Health Corporation, 341 NLRB No. 139 (2004)).

We understand the importance of tribal sovereignty and support the principle in true self-governance matters. But the fundamental human rights of employees are not the exclusive concern of tribal enterprises or tribal governments. While proponents of the bill argue that tribal sovereignty conforms to state governments, they miss a glaring truth: while state governments are exempt from NLRA protections, their workers are eligible to vote for those who set their labor laws. But the vast majority of the 600,000 casino workers who would be impacted by the Tribal Labor Sovereignty Act are not Native Americans, and therefore have no voice in the selection of those setting tribal policy nor the ability to petition the tribal government to protect their rights.

We object to a sweeping exemption of all tribal enterprises from the NLRA, and believe the test used by the Board to determine whether the NLRA is applicable should remain. The Tribal Labor Sovereignty Act has been packaged with unrelated bills in an attempt to pressure support for this particular bill. While TWU has no position on the other bills contained in S. 149, we urge you vote NO in opposition to the Tribal Labor Sovereignty Act.

Mr. NORCROSS. Mr. Speaker, I ask Members to really look inside yourself. Is this why we take trips to Indian reservations? Are we tourists or are we tribal allies? Some Members have said that they are for the sovereignty of the Native Americans, and who made very clear the issue before us today. It was mentioned by the naysayers on the other side of the aisle that the NLRA, the National Labor Relations Act, started in 1935. If you go back to 1935, if you understand the principle to deny workers their collective bargaining rights and freedom of association. You are either for their sovereignty, Mr. Speaker, or you are not. And that is all this bill does. It doesn’t choose between friends. The Democrats do not need to worry. It is either you are for people believing in their own destiny and manifesting it, or you think that you have to subject them to your will. That is all this bill is about.

By the way, I think it is absolutely ridiculous—Dr. Rov asked the question. I won’t ask the question. I will put it in statement form. I think it is absolutely ridiculous that some Members, Mr. Speaker, can come to the floor of the House today and say that this is not an important bill, that the rights of the governments and sovereign nations aren’t important, and that there are other things to do.

Yet, three times today, the Democrats motioned to adjourn the House, wasting precious legislative time. This bill is supported by more than 150 Democrats. The chamber of commerce supports the bill. Four Democrats cosponsored the bill, and I thank each of them for it. Last Congress, the bill passed the House with bipartisan support. And, Mr. Speaker, I suspect it will again today.

Let’s get this job done. Let’s support our Native American friends. Let’s support the sovereignty of the governments at the Federal, State, and local level. Support this bill, especially subsection 3.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of my time. Mr. Speaker, I include in the RECORD a letter in opposition to the bill from the AFL-CIO.

AFL-CIO LEGISLATIVE ALERT
AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
WASHINGTON, DC, January 9, 2018.

DEAR REPRESENTATIVE: The AFL-CIO urges you to oppose the Tribal Labor Sovereignty Act, H.R. 986, which would deny protection under the National Labor Relations Act (NLRA) to a large number of workers employed by tribal-owned and -operated enterprises located on Indian land. Among these workers are over 600,000 tribal casino workers, the vast majority of whom are not Native Americans. In recent years, the number and type of enterprises affected has grown well beyond the gaming industry, and would now include mining operations, power plants, smoke shops, saw mills, construction companies, ski resorts, high-tech firms, hotels and spas. Many commercial businesses that compete with non-Indian enterprises. As proposed, the Tribal Labor Sovereignty Act would strip all workers in these enterprises of their rights and protections under the NLRA.

The House bill, introduced by Representative Rokita, would overturn a 2004 decision by the National Labor Relations Board (NLRB) in San Manuel Indian Bingo and Casino, 341 NLRB No. 138 (2004), which applied the NLRA to a tribal casino enterprise. In San Manuel, the Board applied a test: the NLRA would forego jurisdiction; off tribal land, the NLRB would forego jurisdiction; off tribal land, the NLRB would assert jurisdiction. Under the San Manuel test, the NLRB will not apply if its application would “touch exclusive rights of self-governance in purely intramural matters.” But the NLRA will not apply if it would “abrogate Indian treaty rights or conferring legal title to land.”

We object to a sweeping exemption of all tribal enterprises from the NLRA, and believe the test used by the Board to determine whether the NLRA is applicable should remain. The Tribal Labor Sovereignty Act has been packaged with unrelated bills in an attempt to pressure support for this particular bill. While TWU has no position on the other bills contained in S. 149, we urge you vote NO in opposition to the Tribal Labor Sovereignty Act.
Mr. WALBERG. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this has been a telling debate. Again, I think the key question here, as has been asked by so many colleagues: Are Native American Tribes government entities; are they sovereign? The only answer that we can respond with is: Absolutely, yes. They are sovereign. This is not an issue debating NLRB or NLRB. It is going back to what we have established already that, in fact, a sovereign nation, just like a State or local government, is free from the intervention of NLRB.

In this case, a sovereign nation has that right. Just as a reminder, over 150 Native American organizations have asked for this legislative effort to be achieved. Why? Because it was working fine up until 2004, and NLRB then came arbitrarily in—sometimes yes, sometimes no—interfering, but, ultimately, they were changing the system in place.

While we are moving back to letting the sovereignty reign in these Native American Tribes, yet we need to make it very clear for the future and not go back to what has precipitated this change.

The bill amends the National Labor Relations Act to clarify that the law does not apply to any enterprise or institution owned and operated by an Indian Tribe and located on Tribal land. It protects the sovereignty of Native American Tribes, reaffirming that they are afforded the same rights and protections enjoyed by State and local government.

It ensures Tribes have control over their labor relations and can determine what is best for the workplaces. It eliminates legal confusion and uncertainty that is hindering the ability of Tribal governments to serve their citizens.

Mr. Speaker, that is what it does. It reasserts and reaffirms what we have already said in law. And for that reason, I ask my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time on the ayes appeared to have it.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALBERG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of S. 140 will be followed by 5-minute votes on:

Suspending the rules and passing H.R. 4567;

And agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 173, not voting 19, as follows:

[Roll No. 11]

AYES—239

Abraham
Abshier
Aderhold
Aggeler
Aguilar
Allen
Amedz
Amodei
Ampon
Bakan
Bacon
Banks (IN)
Barletta
Barr
Barren
Bergman
Beyrer
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bluem
Bridenstine
Brooks (AL)
Buchanan
Buck
Buchon
Budd
Burgess
Byrne
Alvarez
Cardenas
Carter (GA)
Carter (TX)
Chabot
Chees
Cochran
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Rogers
Cook
Correa
Crawford
Cuellar
Curbello
Curtis
Davidson
DelBene
Demb
Dent
DeSantis
DelRosa
Deutch
Diaz-Balart
Dolvet
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Ethes (KS)
Evel
Falk
Faso
Ferguson
Fincher
Flores
Fortenberry
Foxx
F雷linghaysen
Garnder
Garrett
Gianfort
Gianulis
Gohmert
Goodlatte
Goodman
O'Gara
Olson
Palazoo
Palmer
Page
Pearce
Peery
Peterson
Pettitig
Poe (TX)
Poleun
Posey
Ratcliffe
Redd
Reichert
Renacci
Rice (SC)
Rody
Ro (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rolen
Rooney, Francis
Rooney, Thomas
Rose
Rosenthal
Ronzer
Royce (CA)
Rush
Rutherford
Sanford
Schneider
Schweikert
Scott
Sensenbrenner
Sessions
Sewell (AL)
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Theobald (PA)
Thompson
Tiberi
Tipton
Trott
Upton
Valadao
Vela
Wagner
Walden
Walker
Walters
Walters, Kimi
Wax
Weber (TX)
Webster (FL)
Welton
Westmoreland
Williams
Wilson (SC)
Winstead
Wittman
Womack
Woodall
Young (IN)
Young (AK)
Young (LA)
Zeldin

NOES—173

Barrasson
Bailey
Beatty
Bera
Bost
Bouma
Blount
Blunt
Boyle, Brendan
Brandt
Brady (PA)
The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4567) to require a Department of Homeland Security overseas personnel enhancement plan, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KATKO) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 16, as follows:

[Roll No. 12]

YEAS—415

[Table of votes]

NOT VOTING—16

So the result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The Speaker pro tempore. The unfinished business is the question on agreeing to the Speaker’s approval of the Journal, which the Chair will put de novo.

The question is on the Speaker’s approval of the Journal. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. CHENЕY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The Speaker pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 0.