

February 7, 2017

The Honorable John Hoeven
Chairman
Committee on Indian Affairs
United States Senate
Washington, DC 20510

The Honorable Tom Udall
Vice Chairman
Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Chairman Hoeven and Vice Chairman Udall:

We, the more than 150 undersigned Indian tribal nations, tribal corporations, and tribal trade associations [collectively organized as the Coalition for Tribal Sovereignty], write in strong support of S. 63, the “Tribal Labor Sovereignty Act of 2017 (TLSA),” which would respect and promote tribal sovereignty by affirming the rights of tribal governmental employers to determine their own labor practices on their own lands.

Sponsored by Senator Moran, TLSA enjoys bipartisan support. During the 114th Congress this bill passed the House with that strong support.

In 1935, the National Labor Relations Act (NLRA) was enacted to ensure fair labor practices, but excluded federal, state and local governmental employers from its reach. Though the Act did not expressly treat Indian tribes as governmental employers, the National Labor Relations Board (NLRB) respected the sovereign status of tribal governmental employers for close to seventy years before abruptly abandoning its own precedent and reversing course in 2004.

Since its decision in *San Manuel Indian Bingo*, the NLRB has been aggressively asserting jurisdiction over tribal labor practices when it determines tribal government employers are acting in a “commercial” rather than a “governmental” capacity – an analysis it does not apply to state or local government employers.

TLSA builds upon a principle that has been amply demonstrated by Indian tribes across the country: when tribal sovereignty is respected and acknowledged, economic success follows. Enactment of S. 63 would prevent an unnecessary and unwarranted overreach by the NLRB into the affairs of tribal governments. By amending the NLRA to expressly treat tribal government employers and their enterprises and institutions the same as it treats state, local and federal government employers, S. 63 would provide corrective guidance to the NLRB and bring parity to tribal government employers across the nation.

The Coalition for Tribal Sovereignty supports TLSA in the strongest terms. We just as strongly urge the committee to expedite their consideration of this bill and to work towards its swift passage.

Sincerely,

Affiliated Tribes of Northwest Indians (OR)
Agua Caliente Band of Cahuilla Indians (CA)
American Indian Alaska Native Tourism Association (AIANTA) (NM)
American Indian Chamber of Commerce of New Mexico (NM)
American Indian Chamber of Commerce of South Carolina (SC)
American Indian Infrastructure Association (WY)
Arctic Slope Native Association (AK)
Arctic Slope Regional Corporation (AK)
Barona Band of Mission Indians (CA)
Bear River Band of Rohnerville Rancheria (CA)
Big Valley Band of Pomo Indians of the Big Valley Rancheria (CA)
Bishop Paiute Tribe (CA)
Bois Forte Band of Chippewa (MN)
California Association of Tribal Governments (CA)
Central Council of Tlingit and Haida Indian Tribes of Alaska (AK)
Cheyenne River Sioux Tribe (SD)
Chickasaw Nation (OK)
Choctaw Nation of Oklahoma (OK)
Chuathbaluk Traditional Council (AK)
Citizen Potawatomi Nation (OK)
Coeur d'Alene Tribe (ID)
Comanche Nation (OK)
Confederated Tribes of Siletz Indians (OR)
Confederated Tribes and Bands of the Yakama Nation (WA)
Confederated Tribes of the Chehalis Reservation (WA)
Confederated Tribes of the Colville Reservation (WA)
Coquille Indian Tribe (OR)
Council for Native Hawaiian Advancement (HI)
Cow Creek Band of Umpqua Tribe of Indians (OR)
Delaware Nation (OK)
Diné Development Corp a wholly owned Navajo Nation business (AZ, NM)
Doyon, Limited (AK)
Eastern Shawnee Tribe of Oklahoma (OK)
Elk Valley Rancheria (CA)
Ely Shoshone Tribe (NV)
Ewiiapaayp Band of Kumeyaay Indians (CA)
Federated Indians of Graton Rancheria (CA)
Forest County Potawatomi Community (WI)
Fort Belknap Indian Community (MT)
Great Plains Tribal Chairman's Association (SD)
Habematolel Pomo of Upper Lake (CA)
Ho-Chunk Nation (WI)
Iipay Nation of Santa Ysabel (CA)
Inter Tribal Association of Arizona (AZ)
Intertribal Timber Council (OR)

Jamestown S'Klallam Tribe (WA)
Kalispel Tribe of Indians (WA)
Karuk Tribe (CA)
Kenaitze Indian Tribe (AK)
Kickapoo Traditional Tribe of Texas (TX)
Lac du Flambeau Tribe (WI)
Leech Lake Band of Ojibwe (MN)
Little River Band of Ottawa Indians (MI)
Little Traverse Bay Bands of Odawa Indians (MI)
Lower Elwha Klallam Tribe (WA)
Lummi Nation (WA)
Mashantucket Pequot Tribal Nation (CT)
Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake Tribe) (MI)
Metlakatla Indian Community, Annette Islands Reserve (AK)
Midwest Alliance of Sovereign Tribes (MAST) (WI)
Minnesota American Indian Chamber of Commerce (MN)
Mississippi Band of Choctaw Indians (MS)
Mohegan Tribe of Connecticut (CT)
Mooretown Rancheria (CA)
Morongo Band of Mission Indians (CA)
Muscogee (Creek) Nation (OK)
National American Indian Housing Council (NAIHC) (DC)
National Center for American Indian Enterprise Development (NCAIED) (AZ)
National Congress of American Indians (NCAI) (DC)
National Indian Gaming Association (NIGA) (DC)
National Native American Bar Association (AZ)
National Native American Chamber of Commerce (MO)
Native American Contractors Association (NACA) (DC)
Native American Development Corporation (NADC) (MT)
Native American Enterprise Initiative (NAEI) (DC)
Native Village of Afognak (AK)
Native Village of Kiana, Kiana Traditional Council (AK)
Native Village of Koyuk (AK)
Native Village of Ouzinkie (AK)
Native Village of Tununak (AK)
Navajo Nation (AZ, NM, UT)
New Stuyahok Traditional Council (AK)
Nez Perce (ID)
Oglala Sioux Tribe (SD)
Ohkay Owingeh (NM)
Oklahoma Indian Gaming Association (OK)
Oneida Indian Nation (NY)
Osage Nation (OK)
Otoe-Missouria Tribe of Indians (OK)
Pala Band of Mission Indians (CA)
Paskenta Band of Nomlaki Indians (CA)

Pechanga Band of Luiseño Indians (CA)
Penobscot Indian Nation (ME)
Prairie Island Indian Community (MN)
Pueblo of Acoma (NM)
Pueblo of Isleta (NM)
Pueblo of Laguna (NM)
Pueblo of Pojoaque (NM)
Puyallup Tribe (WA)
Quapaw Tribe of Oklahoma (OK)
Quinault Nation (WA)
Red Cliff Band of Lake Superior Chippewa Indians (WI)
Reno-Sparks Indian Colony (NV)
Rincon Band of Luiseño Indians (CA)
Rocky Mountain Indian Chamber of Commerce (NE)
Rocky Mountain Tribal Leaders Council (MT)
Sac and Fox Nation (OK)
Sac and Fox Tribe of the Mississippi in Iowa (IA)
Saginaw Chippewa Indian Tribe (MI)
Samish Indian Nation (WA)
San Manuel Band of Mission Indians (CA)
Santa Clara Pueblo (NM)
Santee Sioux Nation (NE)
Sault Ste. Marie Tribe of Chippewa Indians (MI)
Seldovia Village Tribe (AK)
Seminole Nation of Oklahoma (OK)
Shingle Springs Band of Miwok (CA)
Shinnecock Indian Nation (NY)
Shoalwater Bay Tribe (WA)
Shoshone-Bannock Tribes of the Fort Hall Reservation (ID)
Soboba Band of Luiseño Indians (CA)
Sokaogon Chippewa Community, Mole Lake Band of Lake Superior Chippewa (WI)
Southern Ute Indian Tribe (CO)
Sovereign Councils of the Hawaiian Homeland Assembly (HI)
Spokane Tribe of Indians (WA)
St. Croix Chippewa Indians of Wisconsin (WI)
Standing Rock Sioux Tribe (ND, SD)
Stockbridge-Munsee Community (WI)
Susanville Indian Rancheria (CA)
Sycuan Band of the Kumeyaay Tribe (CA)
Table Mountain Rancheria (CA)
Tanana Chiefs Conference (AK)
Thlopthlocco Tribal Town (OK)
Tonkawa Tribe of Oklahoma (OK)
Torres Martinez Desert Cahuilla Indians (CA)
Tribal Alliance of Sovereign Indian Nations (TASIN) (CA)
Tulalip Tribes (WA)

Tuolumne Band of Me-Wuk Indians (CA)
Tunica-Biloxi Indian Tribe (LA)
United Keetoowah Band of Cherokee Indians in Oklahoma (OK)
United Keetoowah Band of Cherokee Indians in Oklahoma Corporation (OK)
United South and Eastern Tribes Sovereignty Protection Fund (USET) (TN)
Viejas Band of Kumeyaay Indians (CA)
Wampanoag Tribe of Gay Head (Aquinnah) (MA)
White Earth Band of Chippewa Indians (MN)
Wichita and Affiliated Tribes (OK)
Winnebago Tribe of Nebraska (NE)
Wyandotte Nation (OK)
Yavapai-Prescott Indian Tribe (AZ)
Yocha Dehe Wintun Nation (CA)

cc: Members of the Committee on Indian Affairs