

**CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA**

NEIL L. BRADLEY
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March 29, 2017

The Honorable Tim Walberg
Chairman
Subcommittee on Health, Employment,
Labor, and Pensions
Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC 20515

The Honorable Gregorio Sablan
Ranking Member
Subcommittee on Health, Employment,
Labor, and Pensions
Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Walberg and Ranking Member Sablan:

The U.S. Chamber of Commerce strongly supports H.R. 986, the “Tribal Labor Sovereignty Act of 2017” (TLSA), which is being heard by your subcommittee today.

H.R. 986 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 Rep. Todd Rokita, 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 NLRA did not expressly mention Indian tribes let alone treat Indian tribes as governmental employers, the NLRB respected the sovereign status of tribal governmental employers for close to seventy years before abruptly abandoning its own precedent and reversing course with the *San Manuel Indian Bingo* case in 2004.¹

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

TLSA would build upon a demonstrably successful principle: where tribal sovereignty is vigorously exercised, economic success follows. H.R. 986 would prevent an unnecessary and unwarranted overreach by the NLRB into the sovereign jurisdiction of tribal governments. By amending the NLRA to specifically exempt tribal governments, H.R. 986 would provide

¹ *San Manuel Indian Bingo and Casino*, 341 N.L.R.B. 1055 (2004).

certainty and clarity to ensure that tribal governmental statutes concerning labor relations would remain intact. The Chamber believes that this approach would best meet the needs of the tribes and the American business community more generally.

The Chamber strongly supports H.R. 986 and requests that the full Committee ultimately favorably report the bill so the House can take it up for consideration expeditiously.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley", with a stylized flourish at the end.

Neil L. Bradley

cc: Members of the Committee on Education and the Workforce