April 29, 2015

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

The Honorable Jon Tester
Vice Chairman
Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Vice Chairman Tester:

We, the undersigned Indian tribal nations, tribal corporations, trade associations and state and local chambers of commerce, write in strong support of S. 248, the "Tribal Labor Sovereignty Act of 2015," 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.

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 reversing course in 2004.

Since its decision in *San Manuel Indian Bingo* (341 NLRB No. 138, 2004), 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.

S. 248 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. S. 248 would prevent an unnecessary and unproductive overreach by the NLRB into the sovereign jurisdiction of tribal governments. By amending the NLRA to expressly treat tribal government employers and their enterprises and institutions the same as it treats state and local government employers, S. 248 would provide certainty and clarity to ensure that tribal ordinances relating to labor practices would be respected. This approach would best meet the needs of the tribes and the American business community more generally.

The undersigned groups strongly support S. 248, which would build upon recent congressional actions affirming tribal sovereignty such as the enactment of the Tribal General Welfare Exclusion Act in September, 2014. We urge you to support this important bill and to work towards its swift passage.

Sincerely,

American Indian Chamber of Commerce of South Carolina (SC)
American Indian Infrastructure Association (WY)
Arctic Slope Native Association (AK)

Arctic Slope Regional Corporation (AK)
Arizona Chamber of Commerce and Industry (AZ)
Battle Creek Area Chamber of Commerce (MI)
Big Valley Band of Pomo Indians of the Big Valley Rancheria (CA)
Brainerd Lakes Chamber of Commerce (MN)
Chickasaw Nation (OK)
Choctaw Nation of Oklahoma (OK)
Confederated Tribes of Siletz Indians (OR)
Confederated Tribes of the Chehalis Reservation (WA)
Confederated Tribes of the Colville Reservation (WA)
Connecticut Business and Industry Association (CT)
Diné Development Corp a wholly owned Navajo Nation business (AZ, NM)
Durango Chamber of Commerce (CO)
Greater Flagstaff Chamber of Commerce (AZ)
Ho-Chunk Nation (WI)
Jamestown S'Klallam Tribe (WA)
Little River Band of Ottawa Indians (MI)
Mashantucket Pequot Tribal Nation (CT)
Minnesota American Indian Chamber of Commerce (MN)
Mohegan Tribe of Connecticut (CT)
Muscogee (Creek) Nation (OK)
National Center for American Indian Enterprise Development (AZ)
National Congress of American Indians (DC)
National Native American Bar Association (AZ)
National Native American Chamber of Commerce (MO)
Native American Contractors Association (DC)
Nez Perce (ID)
Norman Chamber of Commerce (OK)
Oklahoma Indian Gaming Association (OK)
Pechanga Band of Luiseño Indians (CA)
Penobscot Indian Nation (ME)
Prairie Island Indian Community (MN)
Quapaw Tribe of Oklahoma (OK)
Red Cliff Band of Lake Superior Chippewa Indians (WI)
Rincon Band of Luiseño Indians (CA)
Rocky Mountain Indian Chamber of Commerce (NE)
Rocky Mountain Tribal Leaders Council (MT)
Saginaw Chippewa Indian Tribe (MI)
San Diego East County Chamber of Commerce (CA)
Sault Ste. Marie Tribe of Chippewa Indians (MI)
Seldovia Village Tribe (AK)
Shingle Springs Band of Miwok (CA)
Soboba Band of Luiseño Indians (CA)
Southern Ute Indian Tribe (CO)
Standing Rock Sioux Tribe (ND, SD)
Sycuan Band of the Kumeyaay Tribe (CA)
The Chamber Grand Forks/East Grand Forks (ND, MN)
TwinWest Chamber of Commerce (MN)

U.S. Chamber of Commerce (DC)
United South and Eastern Tribes (TN)
Viejas Band of Kumeyaay Indians (CA)
Wayland Area Chamber of Commerce (MI)

cc: Members of the Committee on Indian Affairs