

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
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January 29, 2019

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:

The U.S. Chamber of Commerce strongly supports S. 226, the “Tribal Labor Sovereignty Act of 2019” (TLSA), which is being considered by the Committee today.

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 nor did it treat Indian tribes as governmental employers, the National Labor Relations Board (NLRB) respected the sovereign status of tribal governmental employers for close to 70 years before abruptly abandoning its own precedent and reversing course with the San Manuel Indian Bingo case in 2004.

Since that decision, the NLRB has aggressively asserted 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 builds upon a demonstrably successful principle: where tribal sovereignty is vigorously exercised, economic success follows. This legislation would prevent an unnecessary and unwarranted overreach by the NLRB into the sovereign jurisdiction of tribal governments. By amending the NLRA to exempt specifically tribal governments, it would provide 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 S. 226 and requests that the Committee favorably report the bill so the full Senate can consider it expeditiously.

Sincerely,



Neil L. Bradley

Cc: Members of the Committee on Indian Affairs