

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
SENIOR VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
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June 28, 2017

The Honorable Virginia Foxx
Chairwoman
Committee on Education and the Workforce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Robert Scott
Ranking Member
Committee on Education and the Workforce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairwoman Foxx and Ranking Member Scott:

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

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 passed the House in the 114th Congress with bipartisan 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 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 Committee favorably report the bill so the House can take it up for consideration expeditiously.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Neil L. Bradley

cc: Members of the Committee on Education and the Workforce