

# KEY VOTE ALERT!

April 16, 2018

TO THE MEMBERS OF THE UNITED STATES SENATE:

The U.S. Chamber strongly supports S. 140, which includes the “Tribal Labor Sovereignty Act of 2017” (TLSA) as a provision. **The Chamber urges you to support S. 140, and will consider including votes on, or in relation to, this bill in our annual How They Voted scorecard.**

In 1935, the National Labor Relations Act (NLRA) was enacted to ensure fair labor practices. However, it excluded federal, state, and local governmental employers from its reach. Though the NLRA did not expressly mention Indian tribes, nor 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 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 the unwarranted overreach by the NLRB into the sovereign jurisdiction of tribal governments. By amending the NLRA to specifically exempt 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.

Sincerely,



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