



United South and Eastern Tribes, Inc.

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September 10, 2015

The Honorable John Kline
Chairman, Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Kline,

We write on behalf of United South and Eastern Tribes (USET)¹ to express our unequivocal support for the *Tribal Labor Sovereignty Act of 2015* (H.R. 511), legislation that respects and upholds Tribal sovereignty and self-determination by ensuring that Tribal governments, like state and local governments, are able to determine their own labor practices.

The National Labor Relations Act (NLRA) generally exempts state, local, and territorial governments from its application. For nearly 70 years, the National Labor Relations Board included Tribal governments in this exemption.

In 2004, however, the National Labor Relations Board (NLRB) reversed decades of its own precedent and established “a new standard for determining the circumstances under which the Board will assert jurisdiction over Indian owned and operated enterprises.” *San Manuel Indian Bingo*, 341 NLRB No. 138 (May 28, 2004). Absent Tribal consultation or new regulations, the NLRB ruled that Tribal governments are subject to the NLRA when acting more “commercially” than “governmentally,” a distinction and classification that the NLRB has never applied to state and local governments operating enterprises, liquor stores, lotteries, and providing other goods and services in the marketplace.

Like other governments, Tribal governments are responsible for the provision of essential governmental services to their citizens, including health care, education, law enforcement, housing, and social services. And as with other governments, these services are delivered through the generation of governmental revenue, the operation of enterprises, and the provision of goods and services in the marketplace.

The *Tribal Labor Sovereignty Act* simply restores parity to NLRB’s approach to its application of the NLRA to sovereign governments across the United States by amending the law to expressly exempt Tribes. It promotes and acknowledges Tribal sovereignty, recognized by the Constitution, the courts, and numerous laws, by respecting a Tribe’s ability to self-govern within its own jurisdiction.

¹ USET member Tribes include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

In the spirit of governmental parity, USET hopes that the U.S. House of Representatives will take this opportunity to support Tribes by ensuring equal treatment under the NLRA. We thank you for your efforts to successfully report H.R. 511 out of Committee and Rep. Todd Rokita for its introduction. We urge Congress to act swiftly and approve the *Tribal Labor Sovereignty Act* this fall. Should you have any questions or require further information, please contact Ms. Liz Malerba, USET Director of Policy and Legislative Affairs, at: lmalerba@usetinc.org or (202)-624-3550.

Sincerely,



Brian Patterson
President



Kitcki A. Carroll
Executive Director

Enclosure

CC: Rep. Todd Rokita
USET member Tribes
Wanda Janes, USET Deputy Director
Liz Malerba, USET Policy and Legislative Affairs Director

"Because there is strength in Unity"