

November 15, 2016

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Harry Reid
Democratic Leader
United States Senate
Washington, DC 20510

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 Majority Leader McConnell, Democratic Leader Reid, Chairman Barrasso, and Vice Chairman Tester:

We, the more than 100 undersigned Indian tribal nations, tribal corporations, and tribal trade associations [collectively organized as the Coalition for Tribal Sovereignty], write in strong support of H.R. 511, the “Tribal Labor Sovereignty Act of 2015 (TLSA),” being adopted as a provision to any “must-pass” legislation the Senate considers during the remainder of this session. H.R. 511 would respect and promote tribal sovereignty by affirming the rights of tribal governmental employers to determine their own labor practices on their own lands.

TLSA, introduced by Senator Moran as S. 248, enjoys bipartisan support in the Senate and passed the House with strong bipartisan support on November 17, 2015, by a margin of 249 to 177.

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 abruptly abandoning its own precedent and reversing course in 2004.

Since its decision in *San Manuel Indian Bingo*, 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.

H.R. 511 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. Enactment of H.R. 511 would prevent an unnecessary and unwarranted overreach by the NLRB into the affairs of tribal governments. By amending the NLRA to expressly treat tribal government employers and their enterprises and institutions the same as it treats state, local

and federal government employers, H.R. 511 would provide corrective guidance to the NLRB and bring parity to tribal government employers across the nation.

The Coalition for Tribal Sovereignty supports TLISA in the strongest terms, and we just as strongly urge the Senate to lay aside any mischaracterization of this sovereignty-affirming bill and send it to the President for his signature in a most expeditious manner.

Sincerely,

Affiliated Tribes of Northwest Indians (OR)
Agua Caliente Band of Cahuilla Indians (CA)
American Indian Chamber of Commerce of New Mexico (NM)
American Indian Chamber of Commerce of South Carolina (SC)
American Indian Infrastructure Association (WY)
Arctic Slope Native Association (AK)
Arctic Slope Regional Corporation (AK)
Barona Band of Mission Indians (CA)
Bear River Band of Rohnerville Rancheria (CA)
Big Valley Band of Pomo Indians of the Big Valley Rancheria (CA)
Bishop Paiute Tribe (CA)
Bois Forte Band of Chippewa (MN)
California Association of Tribal Governments (CA)
Central Council of Tlingit and Haida Indian Tribes of Alaska (AK)
Cheyenne River Sioux Tribe (SD)
Chickasaw Nation (OK)
Choctaw Nation of Oklahoma (OK)
Chuathbaluk Traditional Council (AK)
Citizen Potawatomi Nation (OK)
Coeur d'Alene Tribe (ID)
Comanche Nation (OK)
Confederated Tribes of Siletz Indians (OR)
Confederated Tribes and Bands of the Yakama Nation (WA)
Confederated Tribes of the Chehalis Reservation (WA)
Confederated Tribes of the Colville Reservation (WA)
Coquille Indian Tribe (OR)
Council for Native Hawaiian Advancement (HI)
Cow Creek Band of Umpqua Tribe of Indians (OR)
Delaware Nation (OK)
Diné Development Corp a wholly owned Navajo Nation business (AZ, NM)
Doyon, Limited (AK)
Elk Valley Rancheria (CA)
Ely Shoshone Tribe (NV)
Ewiiapaayp Band of Kumeyaay Indians (CA)
Federated Indians of Graton Rancheria (CA)
Forest County Potawatomi Community (WI)
Fort Belknap Indian Community (MT)

Great Plains Tribal Chairman's Association (SD)
Habematolel Pomo of Upper Lake (CA)
Ho-Chunk Nation (WI)
Iipay Nation of Santa Ysabel (CA)
Inter Tribal Association of Arizona (AZ)
Intertribal Timber Council (OR)
Jamestown S'Klallam Tribe (WA)
Kalispel Tribe of Indians (WA)
Karuk Tribe (CA)
Kenaitze Indian Tribe (AK)
Kickapoo Traditional Tribe of Texas (TX)
Lac du Flambeau Tribe (WI)
Leech Lake Band of Ojibwe (MN)
Little River Band of Ottawa Indians (MI)
Little Traverse Bay Bands of Odawa Indians (MI)
Lower Elwha Klallam Tribe (WA)
Lummi Nation (WA)
Mashantucket Pequot Tribal Nation (CT)
Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake Tribe) (MI)
Metlakatla Indian Community, Annette Islands Reserve (AK)
Midwest Alliance of Sovereign Tribes (MAST) (WI)
Minnesota American Indian Chamber of Commerce (MN)
Mississippi Band of Choctaw Indians (MS)
Mohegan Tribe of Connecticut (CT)
Mooretown Rancheria (CA)
Morongo Band of Mission Indians (CA)
Muscogee (Creek) Nation (OK)
National American Indian Housing Council (NAIHC) (DC)
National Center for American Indian Enterprise Development (NCAIED) (AZ)
National Congress of American Indians (NCAI) (DC)
National Indian Gaming Association (NIGA) (DC)
National Native American Bar Association (AZ)
National Native American Chamber of Commerce (MO)
Native American Contractors Association (NACA) (DC)
Native American Development Corporation (NADC) (MT)
Native American Enterprise Initiative (NAEI) (DC)
Native Village of Afognak (AK)
Native Village of Kiana, Kiana Traditional Council (AK)
Native Village of Koyuk (AK)
Native Village of Tununak (AK)
Navajo Nation (AZ, NM, UT)
New Stuyahok Traditional Council (AK)
Nez Perce (ID)
Oglala Sioux Tribe (SD)
Ohkay Owingeh (NM)
Oklahoma Indian Gaming Association (OK)

Oneida Indian Nation (NY)
Otoe-Missouria Tribe of Indians (OK)
Pala Band of Mission Indians (CA)
Pechanga Band of Luiseño Indians (CA)
Penobscot Indian Nation (ME)
Prairie Island Indian Community (MN)
Pueblo of Acoma (NM)
Pueblo of Isleta (NM)
Pueblo of Laguna (NM)
Pueblo of Pojoaque (NM)
Puyallup Tribe (WA)
Quapaw Tribe of Oklahoma (OK)
Quinault Nation (WA)
Red Cliff Band of Lake Superior Chippewa Indians (WI)
Reno-Sparks Indian Colony (NV)
Rincon Band of Luiseño Indians (CA)
Rocky Mountain Indian Chamber of Commerce (NE)
Rocky Mountain Tribal Leaders Council (MT)
Sac and Fox Nation (OK)
Sac and Fox Tribe of the Mississippi in Iowa (IA)
Saginaw Chippewa Indian Tribe (MI)
Samish Indian Nation (WA)
Santa Clara Pueblo (NM)
Santee Sioux Nation (NE)
Sault Ste. Marie Tribe of Chippewa Indians (MI)
Seldovia Village Tribe (AK)
Seminole Nation of Oklahoma (OK)
Shingle Springs Band of Miwok (CA)
Shinnecock Indian Nation (NY)
Shoalwater Bay Tribe (WA)
Soboba Band of Luiseño Indians (CA)
Sokaogon Chippewa Community, Mole Lake Band of Lake Superior Chippewa (WI)
Southern Ute Indian Tribe (CO)
Sovereign Councils of the Hawaiian Homeland Assembly (HI)
Spokane Tribe of Indians (WA)
St. Croix Chippewa Indians of Wisconsin (WI)
Standing Rock Sioux Tribe (ND, SD)
Stockbridge-Munsee Community (WI)
Susanville Indian Rancheria (CA)
Sycuan Band of the Kumeyaay Tribe (CA)
Table Mountain Rancheria (CA)
Tanana Chiefs Conference (AK)
Thlopthlocco Tribal Town (OK)
Torres Martinez Desert Cahuilla Indians (CA)
Tuolumne Band of Me-Wuk Indians (CA)
Tribal Alliance of Sovereign Indian Nations (TASIN) (CA)

Tulalip Tribes (WA)
Tuolumne Band of Me-Wuk Indians (CA)
Tunica-Biloxi Indian Tribe (LA)
United Keetoowah Band of Cherokee Indians in Oklahoma (OK)
United Keetoowah Band of Cherokee Indians in Oklahoma Corporation (OK)
United South and Eastern Tribes Sovereignty Protection Fund (USET) (TN)
Viejas Band of Kumeyaay Indians (CA)
White Earth Band of Chippewa Indians (MN)
Wichita and Affiliated Tribes (OK)
Winnebago Tribe of Nebraska (NE)
Wyandotte Nation (OK)
Yavapai-Prescott Indian Tribe (AZ)
Yocha Dehe Wintun Nation (CA)

cc: Members of the United States Senate