



NATIONAL CONGRESS OF AMERICAN INDIANS

June 27, 2017

The Honorable Virginia Foxx
Committee on Education and
Workforce
US House of Representatives
Washington, DC 20515

The Honorable Robert Scott
Committee on Education and
Workforce
US House of Representatives
Washington, DC 20515

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Dear Chairman Foxx, Ranking Member Scott, and Members of the Committee:

I write in advance of the Education and Workforce Committee markup of the Tribal Labor Sovereignty Act (H.R. 986). The National Congress of American Indians urges the members of the Committee to favorably report H.R. 986 out of Committee and ultimately support its passage.

As I stated in my testimony to the Subcommittee on Health, Employment, Labor and Pensions in March, this proposed legislation is important to ensure that the United States continues to respect the sovereignty of tribal governments, and does so by explicitly adding “tribes” to the definition of governmental entities that are exempt from the National Labor Relations Act (NLRA). This legislation is narrow in scope and would only apply to tribal governmental employers operating on Indian lands.

We strongly urge the inclusion of tribal government representation in consideration of the federal trust responsibility to Tribal Nations. The United States Constitution, Treaties and laws have created a fundamental contract between Tribal Nations and the United States: Tribal Nations ceded millions of acres of land that made the United States what it is today, and in return received a fundamental trust responsibility of the United States to protect tribal government. As leaders in Congress, you are responsible for this trust relationship and maintaining its ensuing government-to-government relationship.

Congress’s wisdom in exempting governments from the Act is plain. Applying a private sector model of forced collective bargaining over all conditions of employment, under the threat of protected strikes, is a formula for bringing a local government to its knees. Sovereigns don’t kneel before non-sovereigns without losing their sovereignty. By providing Tribes with parity under the NLRA, H.R.986 respects tribal authority and recognizes the dire economic consequences that could result if this situation is left unaddressed.

The Tribal Labor Sovereignty Act builds upon a principle that has been long established by Tribes across the country: when tribal sovereignty is respected and acknowledged, successful, accountable and responsible governments follow. This is not merely a legal issue but a moral imperative of protecting and defending the sovereignty of America’s Tribes, and guarding against any discrimination against those Tribes. Thank you for your support for H.R. 986, and commitment to maintaining the integrity and effectiveness of tribal governments.

Sincerely,

Brian Cladoosby
President
National Congress of American Indians