



*Solidarity House*

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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA – UAW

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DENNIS D. WILLIAMS, *PRESIDENT*    GARY CASTEEL, *SECRETARY-TREASURER*  
VICE-PRESIDENTS: TERRY DITTES • CINDY ESTRADA • JIMMY SETTLES

IN REPLY REFER TO  
1757 N STREET, N.W.  
WASHINGTON, D.C. 20036  
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January 9, 2018

Dear Representative:

On behalf of the more than one million active and retired members of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), I urge you to vote against S.140, because it includes provisions from the *Tribal Labor Sovereignty Act* (H.R. 986). This misguided bill would deny protection under the National Labor Relations Act (NLRA) to hundreds of thousands of workers employed by tribal casinos. This legislation could also impact dozens of other businesses, including power plants, mining operations, and hotels.

UAW believes strongly in tribal sovereignty and has a strong record of supporting civil rights. This bill, however, is misleading. It is an attack on fundamental collective bargaining rights and would strip workers in commercial enterprises of their rights and protections under the NLRA. Under the terms of this bill, when a labor contract expires, a tribe could unilaterally terminate the bargaining relationship with the union without legal consequence under the NLRA, because the employer's obligation to bargain could be eliminated. As a result of having a union and a legally binding contract, hundreds of dealers have been promoted to benefited and supervisory positions because of provisions in the contract that maintain minimum percentages of full-time, part-time, and supervisory positions. Work rules, wages, and benefits have all improved because of the right to collectively bargain. This bill would jeopardize these hard-fought gains.

The Tribal Labor Sovereignty Act seeks to overturn a decision by the National Labor Relations Board (NLRB) in *San Manuel Indian Bingo and Casino*, 341 NLRB No. 138 (2004). In that decision, the Board concluded that applying the NLRA would not interfere with the tribe's autonomy and the effects of the NLRA would not "extend beyond the tribe's business enterprise and regulate intramural matters." The ruling does not apply in instances where its application would "touch exclusive rights of self-governance in purely intramural matters" or "abrogate Indian treaty rights." The NLRB has taken a nuanced view on this matter and has ruled on a case-by-case basis. Congressional interference is not justified.

Supporters of the bill argue that the bill creates parity for the tribes with state and local governments who are not covered under the NLRA. However, there are some significant differences. Tribes are exempt from employment laws (Title VII of the Civil Rights Act) that apply to state and local governments, whereas private sector contractors work extensively on behalf of state and local governments and generally must comply with the NLRA. Non-tribal members

cannot petition a tribe for labor legislation, while workers employed by a state or local government have a voice with their elected leaders. This is significant because 75 percent of Native American gaming employees are not tribal members. At Foxwoods, where the UAW represents the workers, well over 98 percent of employees and patrons are not tribal members. Hundreds of tribal gaming facilities make tens of billions in revenue annually, and these employees are working for what is simply a commercial operation competing with non-tribal businesses.

At a time of growing wealth inequality and a shrinking middle class, the last thing Congress should do is deprive workers of their legally enforceable right to form unions and bargain collectively. We urge you to oppose S.140.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Nassar', with a long horizontal flourish extending to the right.

Josh Nassar  
Legislative Director