



## **2015 EXECUTIVE BOARD**

### **June 12, 2015**

#### **RESOLUTION #15 - 36**

#### **SUPPORTING THE TRIBAL LABOR SOVEREIGNTY ACT (H.R. 511, S.248) IN THE 114<sup>TH</sup> CONGRESS**

#### **PREAMBLE**

We the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

**WHEREAS**, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

**WHEREAS**, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

**WHEREAS**, tribal sovereignty is an inherent authority exercised by all tribal governments and has existed continuously since before European contact; and

**WHEREAS**, Indian tribes have a unique government-to-government and trust relationship with the United States; and

**WHEREAS**, each tribal government provides essential services to its citizens including education, housing, health care, and public safety, and raises governmental revenue, much as do state

governments, through the operation of enterprises and the provision of goods and services in the marketplace; and

**WHEREAS**, the National Labor Relations Act (NLRA) generally exempts state, local, and territorial governments from its application; and

**WHEREAS**, the National Labor Relations Board (NLRB) in 2004 reversed over 60 years 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); and

**WHEREAS**, 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; and

**WHEREAS**, a number of tribal governments are engaged in ongoing litigation with the NLRB to protect their sovereignty rights against unconstitutional intrusion; and

**WHEREAS**, the NLRB decisions against tribal labor sovereignty are an arbitrary and discriminatory legal interpretation of the NLRA that treats tribal governments inequitably in comparison to all other governments which develop their own labor policies; and

**WHEREAS**, the Tribal Labor Sovereignty Act (H.R. 511, S.248) has been introduced in both the U.S. House and the U.S. Senate in the 114<sup>th</sup> Congress and it would amend the NLRA to restore the longstanding precedent that enterprises or institutions owned and operated by Indian tribes and located on their lands are not considered “employers” under the NLRA; and

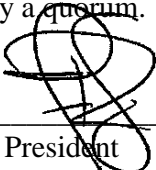
**WHEREAS**, the Tribal Labor Sovereignty Act respects tribal sovereignty by treating tribal governments in parity with federal, state, and local governments in allowing those governments to determine for themselves whether or to what extent labor organizing activities are permissible within their respective territory; and

**WHEREAS**, ATNI has supported this effort at the 2012 Winter Convention in Shelton, WA pursuant to Resolution #12-07 and now desires to reassert its support for the Tribal Labor Sovereignty Act.

**NOW THEREFORE BE IT RESOLVED**, ATNI hereby supports the swift consideration by Congress and enactment into law of the Tribal Labor Sovereignty Act (H.R. 511, S.248).

#### **CERTIFICATION**

The foregoing resolution was adopted by the ATNI Board of Directors on June 12, 2015, with a Phone Poll by a ~~quorum~~.

  
\_\_\_\_\_  
Fawn Sharp, President

  
\_\_\_\_\_  
Norma Jean Louie, Secretary