



2017 Mid-Year Convention Portland, OR

RESOLUTION #17 - 29

“SUPPORTING THE TRIBAL LABOR SOVEREIGNTY ACT (H.R. 986, S.63) IN THE 115TH 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 like state governments do, 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.986, S.63) has been introduced in both the U.S. House and the U.S. Senate in the 115th 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, pursuant to tribal law, tribes have worked with unions throughout the country, including through collective bargaining agreements, tribal labor agreements, and project labor agreements where unions have recognized, honored, supported tribal sovereignty and governance over tribal territories; and

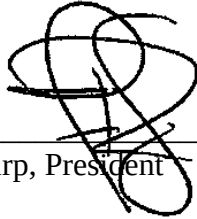
WHEREAS, the Tribal Labor Sovereignty Act respects tribal sovereignty by treating tribal governments in parity with federal, state, and local governments in allowing those governments to determine for themselves whether or to what extent labor organizing activities are permissible within their respective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

WHEREAS, ATNI has supported this effort at the 2012 Winter Convention in Shelton, WA pursuant to Resolution #12-07 and the June 15, 2015 Executive Board meeting Resolution # 15-36 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. 986, S.63).

CERTIFICATION

The foregoing resolution was adopted at the 2017 Mid-Year Convention of the Affiliated Tribes of Northwest Indians, held at the Double Tree by Hilton - Portland, Oregon, on May 23-26, 2017, with a quorum present.



Fawn Sharp, President



Norma Jean Louie, Secretary