NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #SD-15-056

TITLE: Support for Tribal Labor Sovereignty Act Exempting Tribes from the National Labor Relations Act

WHEREAS, we, the members of the National Congress of American 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 the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, Indian tribes have the inherent right to determine whether employee unions can be formed within tribally owned and managed corporations and other business entities; and

WHEREAS, in the case of the San Manuel Band of Serrano Mission Indians vs the National Labor Relations Board, the Court of Appeals for the District Court of the District of Columbia ruled in 2006 that the San Manuel Band was subject to the provisions of the National Labor Relations Act (NLRA), administered by the National Labor Relations Board (NLRB), despite the inherent sovereignty of the Tribe and even though the NLRA does not specific subject tribes to the jurisdiction of the NLRB, and therefore, a labor union organized outside the boundaries of the San Manuel Band’s reservation could seek to form a union at the Tribe’s casino; and

WHEREAS, legislation is now pending in the U.S. Congress that would explicitly exempt tribes from the jurisdiction of the NLRB and the provisions of the NLRA, called the Tribal Labor Sovereignty Act; and


NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians hereby declares its support for the Tribal Labor Sovereignty Act, and urges its member tribes to pass similar resolutions of support for such legislation; and
BE IT FURTHER RESOLVED, that NCAI hereby authorizes its Executive Director to inform both the Presidential administration and the U.S. Congress, as may be appropriate, of the position of NCAI regarding the legislation described above; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.

Brian Cladoosby, President

ATTEST:

Aaron Payment, Recording Secretary