



USET

SOVEREIGNTY PROTECTION FUND

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Transmitted Electronically

September 16, 2025

The Honorable Timothy Walberg
Chairman
House Committee on Education and Workforce
United States House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Robert Scott
Ranking Member
House Committee on Education and Workforce
United States House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Walberg and Ranking Member Scott,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we write to express our strong support for H.R. 1723, the Tribal Labor Sovereignty Act of 2025 (TLSA) as it is considered by the House Committee on Education and Workforce. Enactment of the TLSA would recognize the inherent sovereignty and self-determination of Tribal Nations to determine our own labor practices. Under the TLSA, Tribal governments, Tribal enterprises, and Tribal institutions on Tribal land would be exempt from requirements for employers under the National Labor Relations Act (NLRA).

USET SPF is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

The NLRA generally exempts state, local, and territorial governments from its application and for nearly 70 years, the National Labor Relations Board (NLRB) included Tribal governments in this exemption. However, in 2004 the NLRB reversed decades 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).

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe—Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mi'kmaq Nation (ME), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Tribe (VA) and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Absent Tribal consultation or new regulations, 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.

Like other governments, Tribal governments are responsible for the provision of essential governmental services to our citizens, including health care, education, law enforcement, housing, and social services. And as with other governments, these services are delivered through the generation of governmental revenue, the operation of enterprises, and the provision of goods and services in the marketplace.

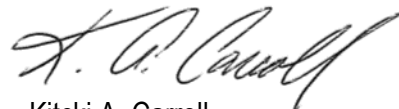
The TLSA simply restores parity to NLRB’s approach to its application of the NLRA to sovereign governments across the United States by amending the law to expressly exempt Tribal Nations. It promotes and acknowledges Tribal sovereignty, recognized by the Constitution, the courts, and numerous laws, by respecting a Tribal Nation’s ability to self-govern within its own jurisdiction.

In the spirit of governmental parity and supporting inherent Tribal sovereignty and self-determination, USET SPF strongly supports H.R. 1723 and urges that it be favorably reported by the House Committee on Education and Workforce, followed by prompt approval on the House floor. Should you have any questions or require further information, please contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at LMalerba@usetinc.org or 615-838-5906.

Sincerely,



Chief Kirk Francis
President



Kitcki A. Carroll
Executive Director