

Legislation Exempting Tribes From The National Labor Relations Act Passes The House



Article By

[Luis E. Avila](#)

[Stephanie R. Settingington](#)

[Varnum LLP](#)

[Varnum, etc.](#)

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Friday, January 12, 2018

The Tribal Labor Sovereignty Act (TLSA) passed the House of Representatives in the afternoon on January 10, 2018, with a 239-173 vote. The TLSA, if it becomes law, will exclude "any Indian tribe, or any enterprise or institution owned and operated by an Indian tribe and located on its Indian land" from the definition of "Employer" under the National Labor Relations Act (NLRA). As a result, the TLSA would give Indian Tribes a similar sovereignty that is currently afforded to state and local governments under the NLRA.

After initial concerns that the proposed law may never escape the introductory stages of the legislative process, the House's passing of the TLSA may give Indian Tribes hope that they will soon be exempt from the NLRA. However, the TLSA still has a long way to go. Now, the bill will move to the Senate, which will eventually put it up for a vote, and if passed, send it along to the White House for the President to sign, before it can become law.

According to commentators, the TLSA may have difficulty passing the Senate. This comes as no surprise, considering similar bills that came before the TLSA, going back as early as 2004, all of which died somewhere along the legislative process. Absent court or legislative action, the NLRA currently still applies to Indian Tribes. Therefore, tribal employers should consult with their legal counsel to determine

their positions on unionization, to train supervisors to ensure compliance with the law, and to develop legal strategy for responding to union organization.

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