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GENERAL MEMORANDUM 25-012

The Tribal Labor Sovereignty Act ([H.R.1723/S.1301](#))

The Tribal Labor Sovereignty Act of 2025 ([H.R.1723/S.1301](#)) would exempt Tribes, Tribal enterprises, and Tribal institutions on Tribal land from requirements for employers under the National Labor Relations Act. Led by Representative Moolenaar (R-MI-2) in the House, and Senator Moran (R-KS) in the Senate, the bill at its core recognizes the sovereign right of Tribal Nations to govern labor relations for their enterprises and institutions on their lands. It has been reintroduced in every Congress since 2007. Tribal advocates have renewed efforts to build momentum behind this bill and are hopeful that this is the Congress during which it will finally be enacted.

Congress passed the National Labor Relations Act in 1935 to outline certain requirements, such as collective bargaining, that private sector employers must adhere to. It was not meant to apply to public sector employers and, as such, explicitly exempted state, local, and territorial governments from its application. For nearly seventy years, the National Labor Relations Board (“the Board”) held that the National Labor Relations Act did not apply to Tribal Nations, but it reversed its view in 2004. Specifically, in *San Manuel Indian Bingo*, [341 NLRB No. 138](#) (May 28, 2004), the Board asserted jurisdiction over a labor dispute involving the gaming enterprise wholly owned by, operated by, and on the lands of the San Manuel Band of Serrano Mission Indians. In this case, the Board reversed its previous interpretation of the National Labor Relations Act and determined that Tribal governments and Tribal enterprises on Tribal lands were subject to its provisions.

The Tribal Labor Sovereignty Act of 2025 is a narrow bill that reverses the Board’s 2004 decision and returns to the nearly seventy years of precedent that it previously held. In this way, Tribal Nations would be exempt from the National Labor Relations Act in the same way that state, local, and territorial governments are. In an April 2015 hearing at the Senate Committee on Indian Affairs, the National Labor Relations Board affirmed that it remains neutral on the enactment of this bill.

On September 17, 2025, the House Committee on Education and the Workforce approved the Tribal Labor Sovereignty Act of 2025, advancing it to the House floor for consideration. A companion bill was introduced in the Senate in April of this year and referred to the Senate Committee on Indian Affairs.

Please let us know if you would like our assistance drafting a letter of support to your Congressional delegation for the Tribal Labor Sovereignty Act of 2025. Additionally, please let us know if you would like to join existing Tribal advocacy efforts looking to move this bill forward.

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