



**CONGRESSIONAL BUDGET OFFICE  
COST ESTIMATE**

June 25, 2015

**S. 248  
Tribal Labor Sovereignty Act of 2015**

*As ordered reported by the Senate Committee on Indian Affairs  
on June 10, 2015*

S. 248 would add tribes to the list of entities that are excluded from the definition of “employer” for purposes of the National Labor Relations Act. Through the National Labor Relations Board (NLRB), the National Labor Relations Act protects the rights of most private-sector employees to form a union and to bargain collectively. Adding tribes to the list of excluded employers would treat them similarly to state and local governments. Currently, the NLRB asserts jurisdiction over the commercial enterprises owned and operated by Indian tribes, even if they are located on a tribal reservation. However, the NLRB does not assert jurisdiction over tribal enterprises that carry out traditional tribal or governmental functions.

Enacting S. 248 would not significantly affect the workload of the NLRB, so it would have no effect on the federal budget. The bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 248 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA).

S. 248 would impose a private-sector mandate, as defined in UMRA, on employees of tribal enterprises located on tribal land. The bill would eliminate the federal right of those employees to join together to improve their wages and working conditions, with or without a union. Furthermore, the bill would eliminate the right of those employees to file a claim, individually or through a union, with the NLRB regarding the labor practices by tribal employers that prohibit or interfere with activities to improve wages and working conditions in enterprises on tribal land. Under the bill, such practices would no longer be considered unfair labor practices by those employers under the National Labor Relations Act.

The cost of the mandate would be the value of forgone awards and compensation. Based on information from the NLRB, CBO expects that the mandate would apply to employees of a limited number of tribal enterprises. Consequently, CBO expects that the cost of the mandates would not be substantial and would fall below the annual threshold established in UMRA for private-sector mandates (\$154 million in 2015, adjusted annually for inflation).

The CBO staff contact for this estimate is Christina Hawley Anthony. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.