



# **NATIONAL INDIAN GAMING ASSOCIATION**

Rebuilding Communities Through Indian Self-Reliance

## **NATIONAL INDIAN GAMING ASSOCIATION RESOLUTION**

**NIGA MY-001**

**Shakopee, MN 10-20-10**

### ***On Legislation to Legalize Internet Gaming***

**WHEREAS**, the National Indian Gaming Association (NIGA) is an intertribal association of 184 federally recognized Indian Tribes established to support Indian gaming and defend Indian sovereignty; and

**WHEREAS**, Indian Tribes are sovereigns that pre-date the United States, with prior and treaty protected rights to self-government and to our Indian lands, and

**WHEREAS**, the Constitution of the United States, through the Treaty, Commerce, and Apportionment Clauses and the 14<sup>th</sup> Amendment, recognizes the sovereign status of Indian Tribes as Native nations established prior to the United States; and

**WHEREAS**, the Indian Gaming Regulatory Act (the “IGRA”) acknowledged and confirmed the inherent sovereign powers of Tribal Governments; and

**WHEREAS**, Indian Tribes are governments that pre-date the United States and, through the Indian Commerce Clause and the Treaty Clause, the Constitution of the United States recognizes the status of Indian Tribes as sovereigns; and

**WHEREAS**, Indian tribes have used gaming revenues to provide essential governmental services; and

**WHEREAS**, in *California v. Cabazon* (1987), the Supreme Court reaffirmed the inherent right of Indian Tribes to conduct Indian gaming as an essential element of Tribal self-government, free from state interference; and

**WHEREAS**, in 1988, Congress enacted the Indian Gaming Regulatory Act (IGRA) to promote Tribal economic development, self-sufficiency and strong Tribal Governments; and

**WHEREAS**, Congress established the NIGC to oversee Class II gaming, to approve Tribal gaming ordinances, to review background checks, and to review audits; and

**WHEREAS**, Indian Tribes conduct Indian gaming as an exercise of inherent sovereign authority to fund Tribal government functions and services and to provide for the general welfare of Tribal members; and

**WHEREAS**, under IGRA, many Indian Tribes have successfully created jobs and economic opportunity, and are rebuilding their communities through enhancement of educational and cultural opportunities, thereby fulfilling the goals of the IGRA; and

**WHEREAS**, legislation has been introduced in the United States Senate (S.1597) and House of Representatives (H.R. 2267) that would provide a mechanism for the States and Tribes to legalize internet gambling within their territorial jurisdictions; and

**WHEREAS**, Gambling in the U.S. is permitted in nearly every State and by many Indian tribes and has been subjected to various forms of Federal and State control, regulation, and enforcement; and

**WHEREAS**, Indian tribes must be treated fairly in any Federal gambling legislation;

**WHEREAS**, Indian country has diverse economies that could be impacted by the federal legalization of internet gaming, and, therefore, should be consulted during all phases of the legislative process.

***NOW THEREFORE BE IT RESOLVED THAT:***

At a minimum, any federal internet gaming legislation must incorporate the following fundamental principles:

- Indian tribes are sovereign governments with a right to operate, regulate, tax, and license Internet gaming, and those rights must not be subordinated to any non-federal authority;
- Internet gaming authorized by Indian tribes must be available to customers in any locale where Internet gaming is not criminally prohibited; and
- Consistent with long-held federal law and policy, tribal revenues must not be subject to tax;
- Existing tribal government rights under Tribal-State Compacts and IGRA must be respected;
- The legislation must not open up the Indian Gaming Regulatory Act for amendments; and
- Federal legalization of Internet gaming must provide positive economic benefits for Indian country.

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of National Indian Gaming Association until it is withdrawn or modified by subsequent resolution.