



NATIONAL INDIAN GAMING ASSOCIATION

Rebuilding Communities Through Indian Self-Reliance

NATIONAL INDIAN GAMING ASSOCIATION RESOLUTION

01-LAS-BOD-4-16-18

TITLE: To Support a repeal of the Professional and Amateur Sports Protection Act (PASPA) or Sports Betting Legislation that Fully Recognizes and Protects Indian Gaming Operations and that satisfies the NIGA Principles of Sovereignty for Any Repeal of PASPA or Sports Betting Legislation

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 14th Amendment, recognizes the sovereign status of Indian Tribes as Native nations established prior to the United States; and

WHEREAS, before the United States, Indian nations were independent sovereigns with complete authority over our lands and our citizens; 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 affirm the inherent authority of Tribal Governments to conduct Indian gaming, strengthen Tribal Governments, and foster tribal economic self-sufficiency; and

WHEREAS, Congress is considering a proposal to alter federal laws with regard to Sports Betting; and

WHEREAS, in 2018, the U.S. Supreme Court will rule on the constitutionality of PASPA, and the outcome of which could potentially determine the legal landscape of Sports Betting for Tribal and State Government; and

WHEREAS, several State legislatures have been considering proposals to legalize various forms of Sports Betting; and



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WHEREAS, Indian country has diverse economies that could be impacted by the federal or state legalization of Sports Betting, and, therefore, should be consulted during all phases of the legislative process; and

WHEREAS, NIGA has adopted principles that it requests Congress to adhere to so as to minimize the negative impacts of Sports Betting on tribal casinos, and which would permit tribes to conduct Sports Betting similar to what could be authorized for others to conduct off-reservation; and

WHEREAS, the principles that must be included in any proposed legislation are:

- Tribes must be acknowledged as governments with authority to regulate gaming
- Tribal Government Sports Betting revenues will not be subject to taxation
- Customers may access Tribal Government Sports Betting sites as long as Sports Betting is legal where the customer is located
- Tribal rights under the IGRA and existing Tribal-State gaming compacts must be protected
- IGRA should not be opened up for amendments
- Tribal Governments must receive a positive economic benefit in any federal Sports Betting legalization proposals
- Indian Tribes possess the inherent right to opt in to a federal regulatory scheme to ensure broad-based access to markets
- Tribal Governments acknowledge the integrity and protection of the game and patron protections for responsible gaming are of the utmost importance
- Any consideration of the use of mobile, on-line or internet gaming must adhere to these principles

WHEREAS, if the above principles are reflected in any repeal of the PASPA or legislation amending PASPA, and such repeal or amendment does not contain any otherwise detrimental clauses, NIGA can support such legislation; and



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WHEREAS, NIGA adopted Resolution #01-SEM-11-02-15, TITLED: To Support Only Internet Gaming Legislation that Fully Recognizes and Protects Indian Gaming Operations under the Indian Gaming Regulatory Act and that Satisfies the NIGA Principles of Sovereignty for Any Internet Gaming Legislation,

NOW THEREFORE BE IT RESOLVED, NIGA hereby supports only federal and state legislation involving Sports Betting that includes the above principles and does not otherwise include any detrimental clauses; and

BE IT FURTHER RESOLVED that this resolution shall be the policy of NIGA until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the Board of Directors at a meeting of the National Indian Gaming Association, held on April 16, 2018, Las Vegas, NV, with a quorum present.

Ernest L. Stevens, Jr., Chairman

Paulette Jordan, Secretary