



The Year Ahead: Protecting IGRA

by Ernest L. Stevens, Jr.

A new year is upon Indian Country. With a new year comes new legislative possibilities and tribal leaders arrived in Washington, D.C. to discuss the tough issues facing Indian Country. NIGA's annual Winter Legislative Summit on January 28-29 provided tribal leaders with an opportunity to engage members of Congress about Indian Country's federal priorities.

One issue discussed intensely was Internet gaming. Tribes are naturally protective of Indian gaming and are concerned when Congress considers changing the playing field. Few other forms of economic development have been as successful in Indian Country as gaming. Indian gaming provides the revenue that many tribal governments depend on to provide the most basic programs and services to their communities, and has helped begin to rebuild tribal infrastructure. Indian gaming operations provide jobs to our communities and to our neighboring communities as well. In fact, we believe tribal gaming is helping this country get back on track economically by contributing over 650,000 jobs to the United States economy last year. Given the vast job creation of our industry, we take seriously the idea that internet gaming has the potential to completely change the gaming industry in America.

Congress has considered various Internet gaming bills for over 15 years. Early on, Congress focused on a prohibition, which resulted in the Unlawful Internet Gambling Enforcement Act. However, in the past 5 years, the debate has turned to legalization of Internet gaming. The House of Representatives has seen two bills introduced to legalize some form of internet gaming. However, it could be that the pendulum is swinging back again as a new organization was recently formed with commercial gaming backing, the "Coalition To Stop Internet Gambling." This Coalition has a draft bill to strengthen the Wire Act and ban internet gaming altogether. The commercial industry is now facing a choice on where it wants to go with respect to internet gaming. Meanwhile, Nevada, Delaware, and New Jersey, have already determined that internet gaming should be legal within their borders.

For tribal governments, our first priority must be the protection of tribal sovereignty and existing tribal government rights under IGRA and tribal-state compacts. Any Internet legislation must meet the principles that NIGA member tribes adopted. These principals expressed the requirement that any Internet gaming legislation must ensure the fair treatment of tribal governments as both operators and regulators of the new industry. Because tribes are

governments, and their revenues are used 100% to improve tribal communities, tribal Internet revenues cannot be subject to any form of outside government taxation. Internet Gaming 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. These principles were unanimously adopted through resolution by our Executive Board and our national membership. We also have a companion resolution with the National Congress of American Indians. While these are both standing resolutions with the full support of our leadership, it must be emphasized that each tribal government represents an independent and sovereign Indian nation. Each tribe will decide for themselves what form of economic development is right for their community to pursue. However, Indian Country stands united in defense of tribal sovereignty and economic opportunity.

In addition to Internet gaming, tribal leaders in attendance at the Winter Legislative Summit focused on the continuing discriminatory audits by the IRS. The January 2013, IRS Inspector General (IG) Report confirmed that the IRS has unfairly targeted tribal governments over the past decade. Retiring Senator Max Baucus (D-MT) deserves Indian Country's "thank you" for bringing the IRS actions to light during a May 2012 Finance Committee Hearing. These challenges from the IRS come as tribal governments work to rebuild their traditional homelands and provide a higher quality of life for their citizens, just as any state or local government aims to do.

The IRS actions against tribal governments are simply misguided. As the federal government continues to slash its budget over the next two years, this will further cut social services to Indian communities. Many tribal governments are stepping up to fill the void by providing these same programs and services to their communities. Instead of fostering these acts of Indian Self-Determination, the IRS – through its audits of tribal government programs – is penalizing tribes. These intrusive actions violate the U.S. Constitution and directly conflict with the Federal Indian affairs policy supporting Self-Determination.

Through the hard work of Congressman Devin Nunes (R-CA), Indian Country has been able to move legislation in the House of Representatives that will address these unfair IRS audits. H.R. 3043 has over 40 co-sponsors from both parties. The momentum in the House has carried over to the Senate where Senators Heitkamp (D-ND) and Moran

(R-KS) introduced S.1507, which currently has 10 co-sponsors, again equally divided from both parties. This bi-partisan issue strikes a note with all groups that have endured unfair IRS auditing and as a result, Indian Country will keep this issue on the front burner in its legislative agenda for 2014.

NIGA continues to work hard to keep our tribal members informed and build momentum for our Annual Tradeshow and Convention this May 11-14 in San Diego. We will come together several more times before May, first at the CNIGA Annual Meeting in Palm Springs at the Morongo Resort and Casino February 11-13. The ATNI Winter Convention is February 17-20, at the Lummi Tribe's Silver Reef Hotel Spa Resort, followed by the NCAI Executive Session on March 10th back in D.C. Finally, we expect a large turnout at the Shakopee's Mystic Lake Casino for the Great Plains Indian Gaming Association's 2014 Gaming Conference & Tradeshow, from March 31-April 2. These are important meetings for our tribal leaders to attend and share their goals for Indian Country in 2014.

As our Winter Legislative Summit showed, Indian Country has a great deal of serious work ahead of us, it is

important that we take time to enjoy the start of a New Year and renew the optimism that comes with it. With that in mind we continue to look for tribal leader direction in our work to protect our sovereignty and the right of Indian tribes to pursue economic development.

The success of our 2014 Winter Legislative Summit demonstrates that while Indian Country lost several Congressional friends in the past two years, a new group of leaders is filling that void. Tribal Leaders should be encouraged that more and more Congressmen and Senators are arriving in Congress with a background on Indian Affairs. Tribes deserve all of the credit for sharing their values and culture with the surrounding communities and ensuring that the benefits of economic expansion results in a better life for all its citizens, both native and non-native. Thank you very much and I hope to see you soon at one of the many Indian Country events this year. ♣

Ernest L. Stevens, Jr. is Chairman of the National Indian Gaming Association (NIGA). He can be reached by calling (202) 546-7711 or visit www.indiangaming.org.

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