



Tune Into the Roar from the Hill

"Having watched this political firestorm storm gather force for more than a year, it is clear that change is imminent for IGRA."

by Delia Carlyle

Today the roar from the hill is so loud that even my tribe, the small Ak-Chin Indian Community, can hear it. As the least urban of the "urban" tribes in Arizona, our Community is located miles from Phoenix and thousands of miles away from Washington, D.C. But from the sound of the commotion, we might as well be living in the Beltway.

The noise is coming from congressional members who believe that Indian gaming has gotten too big and out of hand. They cite off reservation gambling and the shenanigans of Jack Abramoff and complain that Indian gaming is unregulated. All these concerns, gathering at the same time, have the makings of a perfect storm.

In Congress, storm warnings cause bills and a flurry of bills have been introduced on both sides of the aisle. The most sweeping is Senate Bill 2078, sponsored by our Arizona Senator John McCain. Senator McCain has long been a champion for Indian issues. He sponsored the original Indian Gaming Regulatory Act (IGRA) legislation and has spent years building relationships with Tribal leaders. Because he has often shown himself to be a friend, I'm confident that by working with Senator McCain we can address his concerns while ensuring that our needs are met. He has told us that if the S. 2078 bill gets too out of hand as it moves through the Congressional process, that he will pull it. Because of our past association, I'm sure that the Senator will honor his word.

Having watched this political firestorm gather force for more than a year, it is clear that change is imminent for IGRA. Tribes have two choices. We can hide and hope for the best or we can acknowledge that while tribal governmental gaming has been overwhelmingly positive for most tribes in the U.S, there are some problems out there that must be addressed. By working together we can insert language that will help rather than harm Indian Country.

From Arizona's perspective, we have four issues with what is presently in the McCain bill. None of these are deal-killers. Each is solvable. In a few places, we think the language is too broad. For example, as it is now written, the bill would undermine the key role of Tribal-State Compacts for Class II and Class III gaming. Changing that relationship threatens the delicate balance that must be maintained among tribes, state and federal regulators. Right now, the language gives NIGC too much power which will create problems for tribes in the future.

Don't misunderstand. We have no problem giving authority to NIGC to regulate Class III gaming in conjunction Tribal-State compacts and to issue Minimum Internal

Control Standards (MICS) for Class II and Class III gaming. When we wrote our current compacts, we assumed that NIGC already had this authority, so we wrote compliance with MICS into our tribal-state agreements.

We are also concerned about the broad language that establishes a new NIGC contract review and approval system for developer and gaming related contracts. If this wording isn't challenged and changed, NIGC could be overrun with thousands of contracts. The commission could never turn these around in the given timeframe of the new bill. To solve this, we recommend that the term "gaming-related contract" be much more specifically defined.

Arizona tribes have no problem with language in Senator McCain's bill requiring background investigations for Tribal Gaming Commissioners and gaming related contractors. We've been doing background checks on Tribal Gaming Commissioners and key employees in our casinos for years. We also do extensive background checks on both the Tribal level and State level for anyone who does business with our casinos. We do this because casinos are key economic drivers for our tribal governments and it is incumbent upon us to make sure that our employees are not only competent and capable but honest and honorable.

But we also disagree with the requirement for per capita payment plans. This is a sovereignty issue. It should not be the role of the Interior Department to determine what is reasonable for each tribe.

Finally, we're most concerned about what is missing in the bill. There needs to be a cap on revenue sharing so states cannot balance their budgets on the backs of tribes. Using tribal governmental gaming to make up for shortfalls in state budgets doesn't support healthy government-to-government relationships.

The time has passed when we can just say "no" to reforming IGRA. That won't stop our foes or our friends. Our goal should not be to stop amending IGRA but to work together so that those changes that are made are improvements. In the end, we may not get everything we want from this legislation, but if we stay with the process, we can avoid new problems. Indian gaming is far too important to us to allow others to decide our future. This is our industry; we need to make our voices heard. ♣

Delia Carlyle is Chairwoman of the Arizona Indian Gaming Association. She can be reached by calling (602) 307-1570. For more information about the Arizona Indian Gaming Association visit www.azindiangaming.org