



## National Indian Gaming Association Builds on Fall Congressional Strategy

by Ernest L. Stevens, Jr.

Since the passage of the Indian Gaming Regulatory Act (IGRA) and with over four decades of tribal gaming, Indian gaming has helped transform the economies of more than 240 Native communities – providing the vital engine to generate tribal government revenue that is dedicated to improving the health, education, public safety, housing, and other essential community services for tribal citizens.

Tribal gaming operations serve as the anchor for jobs and economic development for Native and nearby communities. Indian gaming is responsible for more than 350,000 direct American jobs and an additional 350,000 indirect jobs, collectively placing Indian gaming in the top 12 of private employers in the U.S. In several states, tribes are the largest employer in the region.

Tribal Nations have accomplished these gains through responsible growth, unmatched gaming regulation, and diligent defense of our sovereignty. No tribe is willing to place these gains at risk by moving too quickly to endorse or embrace new forms of gaming or unproven markets, and no one in Indian Country is willing to sacrifice one ounce of tribal sovereignty.

Last month, I was honored to serve as a keynote speaker at the grand opening of the Cedar Lakes Casino on the Leech Lake Band of Ojibwe. This \$45 million construction will employ 400 people. It was great to see the elders and young band members come together and celebrate the grand opening. Even more impressive was that of the 400 employed, 75% are from the Leech Lake Band. Once again, we see a responsible and promising expansion and building towards a future in this community.

This event also allowed me to recognize Helen Bryan, who is an enrolled member of the Leech Lake Band of Ojibwe. It is the *Bryan v. Itasca County Supreme Court* case that played a significant role in the legal proceedings centered around early gaming development.

As Members of Congress returned to their Districts for the Summer Recess in August, the National Indian Gaming Association's (NIGA) Member Tribes gathered at the Santa Ana Pueblo's beautiful Star Casino and Resort in New Mexico to prepare for what will be a busy fall congressional agenda.

Santa Ana is one of only four tribes in the U.S. operating a sportsbook. Sports betting is becoming a critical economic development tool in the gaming industry since the Supreme Court's May 2018 decision to overturn the federal prohibition

against all forms of sports betting.

The tribal leaders and industry professionals gathered at Santa Ana Pueblo acknowledged that IGRA defines sports betting as Class III Indian gaming, and that Congress has chosen for the time being to not insert itself into the legalization or regulatory debate. As a result, policy discussion involving sports betting in the wake of the Supreme Court's *Murphy* decision are taking place in state legislatures nationwide. These local debates are complicated and rely heavily on provisions in existing tribal-state gaming compacts and a wide variety of other factors that vary from tribe to tribe and state to state.

Further complicating the sports betting debate is whether or not to facilitate legalized sports wagers over the Internet. Legal experts pointed out that, despite the Supreme Court's *Murphy* ruling, the Wire Act and the Unlawful Internet Gaming Enforcement Act (UIGEA) continue to prohibit the transmission of wagers across state lines. Sports legalization bills received mixed results in state legislatures in 2019. While eight states moved to authorize at least some form of sports betting within their borders, many more failed to move forward.

Sports betting bills in Oregon, Louisiana, Michigan, Oklahoma, Connecticut and elsewhere were blocked at the 11th hour over the legal complexities involved with tribal gambling.

As the debate moves forward to 2020, tribal leaders attending NIGA's Sports Betting Conference urged legislators at every level to engage Indian Country early – before the debate begins or legislation is drafted – to learn about the existing tribal-state agreements that have been negotiated and implemented, and consider the significant contributions of Indian gaming to not only reservation residents, but also to neighbors of Indian Country and to the state itself.

NIGA intends to take the input received at the Santa Ana Pueblo meeting to our Mid-Year Conference at Mohegan Sun Casino Resort, September 16-18.

While the Mid-Year Conference will maintain a sharp focus on sports betting and the continuing discussion on the mobile and Internet components of this gambling option, we will expand the discussion to examine potential avenues forward on the Tribal Labor Sovereignty Act (TLSA) to restore parity and respect for tribal governments under federal labor laws, work to stop attacks on tribal government sovereign immunity, ensure that any federal infrastructure

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package that moves in Congress include significant investments and tax incentives to help rebuild Native community infrastructure, and demand that the FY20 appropriations package meets the government's moral and legal treaty and trust obligations to Indian Country. NIGA and our Member Tribes will also closely watch the important vote in the U.S. Senate on President Trump's nominee to serve as Chairman of the National Indian Gaming Commission.

Finally, NIGA'S Mid-Year Conference will also provide Member Tribes and all of Indian Country an opportunity to hear directly from this Administration, Members of Congress, and 2020 Democratic Presidential candidates. Indian Country includes large swaths of critical swing states in the upcoming election, and NIGA will continue our work to ensure that the Native vote meets its full potential in November of 2020.

Tribal governments, now more than ever, need to know that this country's political parties are going to honor our treaties and our sovereign authority enshrined in the Constitution and practiced long before there was a United States of America.

With so much happening, we hope to you can attend NIGA's Mid-Year next month at the Mohegan Sun and participate in this important gathering for Indian Country. Your voices are needed more than ever to help send a unified message from Indian Country on the issues facing our people. ♣

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