



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #KAN-18-003

TITLE: Support for Sports Betting Legislation that Respects Tribal Sovereignty and Protects Indian Gaming Operations

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; 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 recognizes the sovereign status of Indian tribes as tribal nations established prior to the United States; and

WHEREAS, as tribal nations we retain sovereign authority over our lands and our citizens; and

WHEREAS, in *California v. Cabazon* (1987), the Supreme Court reaffirmed the inherent right of tribal nations 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 1992, Congress enacted the Professional and Amateur Sports Protection Act (PASPA), which outlawed sports betting in most states; and

WHEREAS, in 2018, the U.S. Supreme Court decided the matter of Murphy v. NCAA, striking down PASPA as unconstitutional and changing the legal landscape of Sports Betting for tribal and state governments; and

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

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

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

WHEREAS, the National Indian Gaming Association has adopted principles for Congress to adhere to so as to minimize the negative impacts of Sports Betting on tribal gaming operations, and which would permit tribes to conduct Sports Betting similar to what could be authorized for others to conduct off-reservation; and

WHEREAS, NCAI adopted Resolution SD-15-057, 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, that the National Congress of American Indians (NCAI) will only support federal and state Sports Betting legislation that adheres to principles that respect tribal sovereignty and protect Indian gaming; and

BE IT FURTHER RESOLVED, that the following principles must be included in any proposed legislation:

- Tribes must be acknowledged as governments with authority to regulate and protect gaming
- Tribal Government Sports Betting revenues shall 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 or state 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; and

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

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2018 Midyear Session of the National Congress of American Indians, held at the Marriott Kansas City Downtown, June 3-6, 2018, with a quorum present.



Jefferson Keel, President

ATTEST:



Juana Majel Dixon, Recording Secretary