



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ABQ-03-029

Title: Amendments to the Indian Gaming Regulatory Act Must Include a Provision to Restore Balance to the Class III Compacting Process Destroyed by the U.S. Supreme Court in Seminole Tribe v. Florida

EXECUTIVE COMMITTEE

PRESIDENT
Tex G. Hall
Mandan, Hidatsa, and Arikara Nation

FIRST VICE-PRESIDENT
Joe A. Garcia
*Ohkay Owingeh
(Pueblo of San Juan)*

RECORDING SECRETARY
Juana Majel
Pauma-Yuima Band of Mission Indians

TREASURER
W. Ron Allen
Jamestown S'Klallam Tribe

REGIONAL VICE-PRESIDENTS

ALASKA
Edward K. Thomas
Tlingit and Haida Tribes

EASTERN OKLAHOMA
Jefferson Keel
Chickasaw Nation

GREAT PLAINS
Harold Frazier
Cheyenne River Sioux Tribe

MIDWEST
Norman Adams, Jr.
Bois Forte Band of Chippewa Indians

NORTHEAST
Kevin Seneca
Seneca Nation

NORTHWEST
Ernie Stensgar
Coeur d'Alene Tribe

PACIFIC
Leslie Lohse
Paskenta Band of Nomlaki Indians

ROCKY MOUNTAIN
Geri Small
Northern Cheyenne Tribe

SOUTHEAST
Eddie Tullis
Poarch Band of Creek Indians

SOUTHERN PLAINS
Zach Pahmahmie
Prairie Band Potawatomi Nation

SOUTHWEST
John F. Gonzales
San Ildefonso Pueblo

WESTERN
Arlan Melendez
Reno Sparks Indian Colony

EXECUTIVE DIRECTOR
Jacqueline Johnson
Tlingit

NCAI HEADQUARTERS
1301 Connecticut Avenue, NW
Suite 200
Washington, DC 20036
202.466.7767
202.466.7797 fax
www.ncai.org

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, 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, the Supreme Court and Congress recognize that Tribal governments retain the inherent authority to conduct gaming operations to generate governmental revenue and attain economic self-sufficiency; and

WHEREAS, the U.S. Congress, through the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 et seq., acknowledged the fact that Indian Tribes retain the inherent authority to conduct gaming, and sought to codify that right as a means of promoting Indian economic development and strengthening tribal governments; and

WHEREAS, IGRA struck a delicate balance in establishing the tribal-state compacting class III compacting process by: (1) requiring tribal governments to enter into compacts with States; (2) requiring States to negotiate such compacts in good faith with tribal governments; and (3) authorizing tribal governments to bring suit against States in federal court for failure to negotiate a gaming compact in good faith; and

WHEREAS, the U.S. Supreme Court decision in Seminole Tribe v. Florida, 116 S. Ct. 1114 (1996), ignored Court precedent, and destroyed the balance struck in IGRA by holding that the Eleventh Amendment prevents Tribes from bringing suit against States for failure to meet IGRA's good faith compact negotiation requirement; and

WHEREAS, S. 1529, the Indian Gaming Regulatory Act Amendments of 2003, proposes a number of sensible amendments to IGRA, including provisions to clarify that the Johnson Act does not apply to technologic aids to class II games, and revise the fee structure for the National Indian Gaming Commission; and

WHEREAS, tribal leaders oppose the provisions in S. 1529 that authorize the National Indian Gaming Commission to regulate class III gaming activities that are currently regulated exclusively pursuant to tribal-state compacts; and

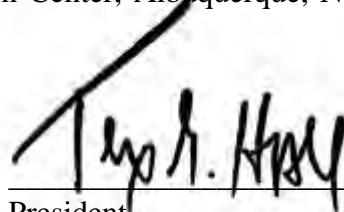
WHEREAS, S. 1529 does not include a provision to restore balance to IGRA's compacting process destroyed by the U.S. Supreme Court's decision in Seminole Tribe v. Florida.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby oppose S. 1529, unless and until it is amended to include a provision to correct the imbalance caused by the U.S. Supreme Court's decision in Seminole Tribe v. Florida.

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until the final adjournment of the 108th Congress.

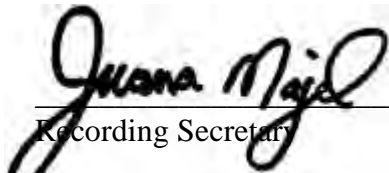
CERTIFICATION

The foregoing resolution was adopted at the 60th Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, Albuquerque, New Mexico, on November 21, 2003 with a quorum present.



President

ATTEST:



Recording Secretary

Adopted by the General Assembly during 60th Annual Session of the National Congress of American Indians, held in Albuquerque, New Mexico, from November 17-21, 2003.