



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SD-15-057

TITLE: 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

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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, 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, in *California v. Cabazon* (1987), the Supreme Court reaffirmed the inherent right of Indian Tribes 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 proposals to alter federal laws with regard to Internet gaming; and

WHEREAS, several State legislatures have been considering proposals to legalize various forms of Internet gaming; and

WHEREAS, Indian country has diverse economies that could be impacted by the federal or state legalization of internet gaming, and, therefore, should be consulted during all phases of the legislative process; and

WHEREAS, the National Indian Gaming Association (NIGA) has adopted principles that it requests Congress to adhere to so as to minimize the impact of internet gaming on tribal casinos, and which would permit tribes to conduct internet gaming similar to what could be authorized for others to conduct off-reservation; and

WHEREAS, the principles that must be included in any proposed legislation include:

- tribes must be acknowledged as governments with authority to regulate gaming
- tribal government Internet gaming revenues will not be subject to taxation
- customers may access tribal government Internet gaming sites as long as Internet gaming 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, and
- Tribal governments must receive a positive economic benefit in any federal Internet legalization proposals; and
- Indian tribes possess the inherent right to opt in to a federal regulatory scheme to ensure broad-based access to markets; and

WHEREAS, if the above principles are included in any Internet gaming authorization act, tribes can support such legislation; and

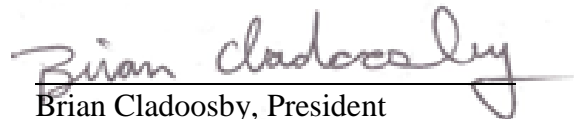
WHEREAS, NCAI adopted the NIGA Principles of Sovereignty for and Internet Gaming Legislation through resolutions PDX-11-042, "Supporting the National Indian Gaming Association Principles of Sovereignty and Discussion Draft of Indian Country Amendments to any Internet Gaming Legislation," and SAC-12-010, "Tribal Government Access to Internet Gaming Markets."

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) hereby supports only federal and state legislation involving internet gaming that includes the above principles, and does not otherwise infringe upon tribal sovereignty and urges its member tribes to pass similar resolutions of support; and

BE IT FURTHER 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 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary