



## UNITED SOUTH AND EASTERN TRIBES, INC.

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USET Resolution No. 2002:072

### THE JURISDICTION AND AUTHORITY OF THE NATIONAL INDIAN GAMING COMMISSION

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** the National Indian Gaming Commission (NIGC) has promulgated certain minimum internal control standards and other regulations that purport to regulate the Class III gaming operations of Indian tribes; and
- WHEREAS,** in May 2002, the Office of Hearings and Appeals at the U.S. Department of Interior ruled that the NIGC had no legal or legislative authority to promulgate its minimum internal control standards and that such standards trample on tribal and state authority in contravention of the Indian Gaming Regulatory Act of 1988 (IGRA); and
- WHEREAS,** IGRA expressly provides that the NIGC has the authority only to *recommend*, not mandate, rules governing Class III gaming activities conducted by Indian tribes; and
- WHEREAS,** the opinion of the Office of Hearings and Appeals was issued in response to a challenge by the Colorado River Indian Tribes to the illegal and unconstitutional efforts of the NIGC to expand the scope of its jurisdiction and regulatory authority; and
- WHEREAS,** on or about June 5, 2002, the NIGC publicly announced that it will disregard the decision of the Office of Hearings and Appeals and continue to attempt to enforce its minimum internal control standards; therefore, be it
- RESOLVED** that the USET Board of Directors strongly and unequivocally endorses and supports the ruling and opinion of the Office of Hearings and Appeals of the U.S. Department of Interior regarding the limited authority and jurisdiction of the NIGC; and, be it further
- RESOLVED** that the USET Board of Directors applauds the challenge of the Colorado River Indian Tribes to the unlawful and unconstitutional attempts by the NIGC to unilaterally expand its jurisdiction beyond the narrow mandate it received from Congress in the IGRA; and, be it further resolved
- RESOLVED** that the USET Board of Directors calls upon the NIGC to: (1) respect and adopt the decision of the Office of Hearings and Appeals, (2) cease and desist all efforts to regulate the Class III gaming activities of Indian tribes, and (3) respect the sovereignty and jurisdiction of Indian tribes and their regulatory agencies, as required by IGRA.

*“Because there is strength in Unity”*

**CERTIFICATION**

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present in Nashville, TN, Thursday, June 13, 2002.



Keller George, President  
United South and Eastern Tribes, Inc.



Beverly Wright, Secretary  
United South and Eastern Tribes, Inc.