



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2006:003

PROPOSED AMENDMENTS TO THE JOHNSON ACT

- 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 Indian Gaming Regulatory Act of 1988 (IGRA) allows Indian Tribes to conduct Class II gaming operations, such as bingo, on their lands; and
- WHEREAS,** IGRA permits Indian Tribes to employ electronic, computer and other technologic aids in their Class II gaming operations; and
- WHEREAS,** numerous Indian Tribes have invested in, and developed, large Class II gaming operations which employ sophisticated electronic, computer and related systems; and
- WHEREAS,** the United States Department of Justice has challenged the use of such technologic aids by tribal Class II gaming operations on the grounds that such aids violate the Johnson Act; and
- WHEREAS,** virtually every Federal court which has considered this issue has rejected the position of the United States Department of Justice; and
- WHEREAS,** the United States Department of Justice recently released numerous proposed amendments to the Johnson Act which would greatly restrict the ability of Indian Tribes to conduct Class II gaming operations with the assistance of technologic aids, as currently permitted by IGRA; and
- WHEREAS,** the enactment of the United States Department of Justice proposed changes to the Johnson Act would devastate the Class II gaming conducted by many Indian Tribes, that have placed good faith reliance in the authorizing provisions of IGRA and subsequent judicial interpretations of that statute; therefore, be it
- RESOLVED** that the USET Board of Directors calls upon the United States Department of Justice and the National Indian Gaming Commission (NIGC) to respect the ability of Indian Tribes to conduct Class II gaming operations with the assistance of technologic aids, as authorized by IGRA and supported by the federal courts; and, be it further
- RESOLVED** that the USET Board of Directors calls upon the United States Department of Justice and the NIGC to engage in meaningful consultation with Indian Tribes to ensure that any legislative changes to, or regulatory interpretations of, the Johnson Act and IGRA take into account: (1) the substantial investment made by Indian Tribes in their existing Class II gaming operations, (2) the good faith reliance the Tribes have placed on the existing statutory framework and judicial interpretations of IGRA, and (3) the need for Indian Tribes to conduct successful Class II gaming operations in order to generate revenues to meet their governmental obligation.

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting & EXPO at which a quorum was present in Orlando, Florida on Thursday, October 13, 2005.

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

Eddie L. Tullis, Secretary
United South and Eastern Tribes, Inc.

"Because there is strength in Unity"