



USET

SOVEREIGNTY PROTECTION FUND

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Transmitted Electronically

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Dear Members of the U.S. Senate,

On behalf of the United South and Eastern Tribes Sovereign Protection Fund (USET SPF), **we oppose the Digital Asset Market Clarity Act (CLARITY Act), H.R. 3633** (including the provisions of the Digital Commodity Intermediaries Act), as currently written, and urge you to **vote against cloture** and the underlying bill unless it is amended to address the concerns of Tribal Nations. As written, the bill represents an existential threat to Tribal Nations' ability to provide for our people using governmental revenue derived from gaming. It violates our exclusive rights as sovereign governments to regulate gaming occurring on our Indian lands, our statutory rights to have the sole proprietary interest in gaming occurring on our lands, and our bargained-for exclusivity rights to conduct certain types of gaming under our Tribal-state gaming compacts.

USET SPF is a non-profit, inter-Tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

We strongly oppose the CLARITY Act without critical changes that protect our ability to fund essential government services—such as housing, health care, public safety, and education—for our communities in the face of continued funding shortfalls in the federal trust and treaty obligations we are owed and barriers on our governmental rights to tax activities occurring on our lands.

We urge you to oppose the CLARITY Act unless language is included in the Manager's Amendment:

- 1. to preclude the use of prediction markets for the conduct of traditional forms of gaming, including, but not limited to, sports betting and casino-style games, which have long been governed by state and Tribal governments; and**
- 2. to ensure that Decentralized Finance cannot be used to avoid, repeal or preempt state, Tribal and federal gambling laws.**

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe—Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mi'kmaq Nation (ME), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Tribe (VA), and Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is Strength in Unity

Tribal Nations' gaming activities, among other economic development activities, have been integral to generating governmental funding so that we may exercise self-government, restore Tribal economies, and foster community well-being by meeting the needs of our people. Congress recognized these realities when it enacted the Indian Gaming Regulatory Act (IGRA), acknowledging many Tribal Nations already engaged in gaming "as a means of generating tribal governmental revenue," 25 U.S.C. § 2701(1), and that one purpose of IGRA was "to provide a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments," 25 U.S.C. § 2702(1). For this reason, Congress made clear in IGRA that Tribal Nations must "have the sole proprietary interest" in gaming occurring on our lands. 25 U.S.C. § 2710(b)(2)(A). And Tribal Nations and states have negotiated through IGRA compacts for revenue sharing payments from Tribal Nations to states in exchange for Tribal Nations' rights to exclusively offer certain types of gaming throughout those states without competition—benefiting Tribal Nations and states alike. 25 U.S.C. § 2710(d); *Rincon Band of Luiseno Mission Indians of Rincon Rsrv. v. Schwarzenegger*, 602 F.3d 1019 (9th Cir. 2010).

Despite the clear mandates of IGRA and Tribal Nations' inherent sovereignty, entities engaged in sports event contracts and illegal and unregulated gambling occurring on prediction markets argue their activities are lawful because they fall outside the scope of IGRA and Tribal jurisdiction. USET SPF believes this impingement on Tribal sovereignty and economic development must be stopped.

Tribal sovereignty and self-government must not be sacrificed to create a federal loophole for unregulated gambling. We urge you to reject any version of the CLARITY Act that does not include vital protections for Tribal economies and existing gaming laws.

Sincerely,



Chief Kirk Francis
President



Kitcki A. Carroll
Executive Director