



**NATIONAL
INDIAN
GAMING
ASSOCIATION**



INDIAN GAMING UPDATE

National Indian Gaming Association - On Behalf of Ernie Stevens, Jr. Chairman July 2009

Volume 1, Issue 5

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Dear Friends,

Sagoli Swakweku – Greetings from Washington, D.C.

Recently, NIGA joined the National Congress of American Indians (NCAI) at their annual Mid-Year conference in Niagara Falls, New York. There, leadership of both organizations came together in critical dialogue to the strategy as we move forward on behalf of Indian country through the remainder of the first year of the 111th Congress. It is very apparent that on the top of the Agenda continues to be our fight in defending Tribal sovereignty.

The "Employee Free Choice Act of 2009," (EFCA) (S.560) was recently introduced to both the House and the Senate. EFCA is offered to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts. However, the proposed EFCA in its current form diminishes our sovereign rights as tribes, as the definition of governments excludes tribal governments.

While Indian country has a long history of support for Unions, we must stringently oppose the EFCA, because of the proposed erosion of tribal sovereignty.

NCAI echoed NIGA by passing a resolution opposing the EFCA unless it is amended. With that, both organizations have committed to continuing to work on your behalf on Capitol Hill to this effort.

I thank Senator Daniel Inouye (D-HI); who without hesitation championed our cause by offering amendments to the act that includes Indian tribes and acknowledges our sovereign rights as governments.

It is important that Tribal leadership act now by notifying Senate about our concerns. Together, let's send a strong unified and resounding message that Indian country cannot compromise our Sovereign rights.

Ernest L. Stevens, Jr.



NATIVE AMERICAN HERITAGE DAY 2009 SIGNED INTO LAW

The National Indian Gaming Association applauded the passing into law of H.J. Res. 40: "The Native American Heritage Day Resolution 2009," (H.J. Res. 40), supported by NIGA, the National Congress of American Indians, and other national Indian Organizations.

The law designates Friday after Thanksgiving [Friday, November 27, 2009] as "Native American Heritage Day." As a day to pay tribute to Native Americans for their many contributions to formation of the United States. The Resolution, introduced by Congressman Joe Baca (D-CA 43rd) was met with unanimous support in both the House and the Senate and President Barack Obama signed the bill into law on June 26, 2009.

Chairman Stevens said, "Signing this bill into law officially recognizes, remembers and formally celebrates the history achievements and certainly the major contributions to the American democracy by Native America."

"This is a step towards setting the stage for the educational awareness of the Native American story, which is a proud account of perseverance and

achievements and chronicle's the important contributions to the creation of this great Nation's governmental framework throughout history, which includes Native America's continued dedication to defending this Country in every major battle by service in the United States Military, at a higher per capita rate than any other group in America, is just one example of those contributions."

Stevens added, "I am profoundly grateful for the generations of dedicated tribal leaders who fought, despite many severe challenges, to maintain, strengthen and rebuild a way of life that was almost taken from us. This law will bring attention to those actions that nearly wiped out our Native Communities as a whole."

Stevens concluded, "On behalf of NIGA and its 184 member Tribes I want to thank Rep. Baca, all of the Congressional leadership for their support in the passage of this Resolution into law. This day of recognition will provide a mechanism that further strengthens and acknowledges the uniqueness of the government to government relationship of this Country and America's First People."

FIRST MEETING OF AIBN BOARD GENERATES EXCITEMENT AND OPTIMISM

The American Indian Business Network (AIBN), a venture of the National Indian Gaming Association (NIGA), held its official inaugural meeting with a full quorum on Wednesday, May 20, during the 17th Annual Great Plains/Rocky Mountain/Midwest Indian Gaming Conference and Trade Show held at the Mystic Lake Casino Hotel in Prior Lake, MN.

Tribal leaders and conference attendees participated in AIBN's first historic meeting, which included an AIBN progress update, addresses from AIBN board members, and brainstorming and exchanges of ideas among board members.

AIBN was created by NIGA in 2003 as a forum for Indian businesses to showcase products and network with other business owners and customers and provides qualified Indian businesses, and those seeking to contract services from them, with an opportunity to make a difference in the economic success of Indian Country.

AIBN members are given access to a database of requests for proposals by other AIBN members, tribal gaming operations, and Indian tribes and are invited to events designed to introduce Indian vendors to tribal leaders. In addition, members of AIBN are given the opportunity to participate in NIGA's American Indian Business Network Expo, a trade show that features Indian-owned businesses.

Blue Stone Strategy Group CEO Jamie Fullmer opened the meeting with an AIBN progress update and addressed the overall goals of the AIBN and it's future benefits to Indian Country. "The goal of [the AIBN] is the creation of a national Indian Country economy with a focus on building hubs for commerce and trade," said Fullmer. "We are also focusing on increasing "buy Indian" initiatives by not only tribes, but tribal entities, including tribal owned casinos and other enterprises."

NIGA Executive Director Mark Van Norman then addressed the crowd and unveiled the newly constructed list of the AIBN board of directors, which include NIGA Chairman Ernie Stevens, Gary George, Richard Bower, Kurt Luger, J.R. Matthews, Andy Ebona, Jay Emory, and Margo Gray-Proctor.

Van Norman also proclaimed the AIBN as an official 501(c) (6) corporate structure, an accomplishment that had been in the works since the creation of the AIBN.

Chairman Stevens called the meeting to order and thanked AIBN board members and those in attendance for their unending support for the AIBN.

"I want to thank everyone that is involved [in the AIBN]. A lot of folks got frustrated with this process when we first started, but we never gave up and are reenergized with new faces and determination," said Chairman Stevens. "This is our time and we are ready to go. Let's make the AIBN a success for Indian Country."

The meeting then proceeded with the AIBN first quarter report from Fullmer, who also stressed the importance of "buying Indian". Since its inception, AIBN has subscribed to a vision of "buy Indian" to encourage members, gaming industry officials, and tribal governments to help their own by buying goods and services from Indian businesses and entrepreneurs. By "buying Indian", AIBN contends procuring tribes and gaming officials will contribute to the encouragement of entrepreneurship and sustainable economic development, as well as the increase of wealth, employment, and education for tribal nations.

"The challenge that we've always had is getting tribes involved because a lot of Indian vendors wanted to sell to tribes. There is room enough at the table for everyone to prosper and that is one of the areas where we saw the value of [the AIBN] on a multitude of levels," said Fullmer.

Fullmer's also addressed the AIBN's current main focuses such as partnering and joint venturing among tribes, developing co-ops for increased buying power, regional economic development, and creating opportunity with vertical integration.

Fullmer then opened the floor up for members to voice their suggestions for future AIBN meetings, with many members expressing their excitement in being a part of the AIBN and opting to dedicate an entire day to future AIBN meetings.



American Indian Business Network

Board of Directors



Ernie Stevens, Jr., Chairman



Richard Bowers



Margo Gray-Proctor



Kurt Luger



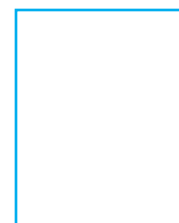
JR Mathews



Jay Emory



Andy Ebona



Gary George



Jamie Fullmer

**NEXT AIBN BOARD MEETING: July 23, 2009
Hyatt Regency Capitol Hill
Washington, D.C.**

Chairman's Sponsor Spotlight

Chairman's Sponsor Spotlight will featuring contributors and supporters of the National Indian Gaming Association.

Providing Successful Native American Banking Services since 1996



Associate Member since 1999

Since 1995, Wells Fargo Native American Banking Services has been operating as a specialized unit to provide customized service to tribal nations.

Steve Stallings, director of Native American Affairs, said NABS also serves as an internal resource to Wells Fargo business units with tribal customers.

This two-pronged approach to services has led to the bank providing services to over 165 tribal nations.

The bank has navigated tribes through the financial landscape over the years and continues to provide services to new tribal nations looking for financial solutions in any economic climate.

One of those customers is the National Indian Gaming Association.

Wells Fargo has worked with NIGA as one of the original associate members and has been providing financial and technical support since 1995.

"Due to our support for NIGA and the Indian Gaming industry, Wells Fargo dedicated \$300,000 to a scholarship at the American Indian Graduate Center to support Professional Development among Indian students in the hospitality and gaming industry," Stallings said.

There is much more to the bank besides scholarships, however. Over the past decade, Wells Fargo has lent over \$3.1 billion to tribal governments for gaming and other tribal purposes. The relationship with tribes and Wells Fargo has grown steadily through the years.

"We expect as tribes continue to progress, they will need additional capital for development purposes, as well as financial services in investments, insurance and banking," Stallings said. He compared lending to tribes to traditional lenders from the gaming industry, or public finance of local governments.

"What is different is the unique sovereign status of the tribes," Stallings said. "We treat this as a special relationship where the customer is a government, a business, and a community of people."

Because the banking industry has been providing financial services to tribal governments since the 1950s, more and more tribes are seeking lending opportunities as their needs have grown.

"It is just a natural progress for us to grow our service to them," Stallings said.

Of the 165 tribes that are customers of Wells Fargo, one third utilized the bank as exclusive provider of financial services.

Wells Fargo has customers throughout Indian Country and continues to strive for service and safety, especially in today's economic climate.

Although no part of the economy could avoid the impact of the downturn, Wells Fargo has confidence in the industry because they have invested in responsible and professional customers, he said. "We are impressed with the performance of tribal gaming and tribal management," Stallings said.

He said look for growth opportunities in the next 18 to 24 months and to consult your banker early as a resource to test ideas and help solve problems.

"At Wells Fargo, we are not looking for just the next big deal from our tribal customers," Stallings said. "That's why we are the number one home mortgage lender on Indian reservations."

Generation 7, LLC Recognized for Service to Indian Country



Generation 7, L.L.C., a company exclusively dedicated to providing financial consulting to tribes and tribal members and a sponsor of the National Indian Gaming Association (NIGA), was recently recognized for its service to Indian Country when CEO and founder Stephen Drake was honored with a nationally coveted award.

Generation 7 Chief Executive Officer Stephen Drake received the "2009 Top Financial Planners" Award in recognition for his work in Native American tax and financial planning from the Consumer Research Council of America, an independent, nonprofit consumer research organization based in Washington DC.

The award is given out annually to the top financial and tax planners throughout the country. Candidates for the award are chosen based on factors such as experience in the field of financial and tax planning, professional degrees held, educational degrees held, publications written and membership in professional organizations. Drake has been a CPA, CFP (R), and personal financial specialist as designated by the American Institute of CPA's for more than 30 years. He has a PhD in Finance and a Masters in Taxation.

Drake received the award based on the specialized team approach at Generation 7 and Granite Mountain Investments L.L.C., a company that focuses on conservatively building wealth with exceptional returns for the next 7 generations.

"Although I'm honored to receive this coveted award, I could not have earned it without the entire team at Generation 7 and Granite Mountain. We specialize in Indian Country and work to exceed our client's expectations," said Drake upon acceptance of the award.

Founded in 2002 with the assistance of international law firms specializing in Indian affairs, Generation 7 L.L.C., specializes in reducing current taxes to tribal members on the per capita they receive and is committed to addressing the financial concerns of tribal nations, including investments, estate conservation, and tax strategies. Since its inception, Generation 7 has become the leading tax deferral company in the country and is currently the only Patent Pending Tax Deferral plan that delays current income taxes on Native American Per Capita Distributions. The Generation 7 program, managed by highly experienced professionals with decades of experience in tribal affairs as well as tax and financial matters, focuses on reduction of taxes, saving accumulation, more investment choices, and preparing for the future and future generations.



April 6-9, 2010

NIGA LEGISLATIVE UPDATE

Coburn Amendment to S. 982 DEFEATED

Senator Coburn (Oklahoma) introduced an amendment to the Family Smoking Prevention and Tobacco Control Act, S.982. The amendment would have allowed State authorities to enforce federal tobacco laws effectively stripping Tribes of the right of self-government in that area.

The Constitution of the United States, through the Treaty, Commerce, and Apportionment Clauses and the 14th Amendment, recognizes the sovereign status of Indian Tribes as Native nations established prior to the United States, including the right to self-government.

In furtherance of its policy of respecting tribal self-governance the United States has entered into 370 Treaties with Tribal Nations, reinforcing not only the government to government relationship between Tribal Nations and the United States but also the Tribal right of self-government. Those treaties must be honored and protected from damaging legislation.

Thankfully Senator Coburn's amendment failed and S.982 passed the Senate without damaging Tribal sovereignty.

Carcieri v. Salazar

On February 24, 2009, the Supreme Court decided in *Carcieri v. Salazar*, that the Secretary of the Interior has authority to take land into trust under the Indian Reorganization Act (25 U.S.C. secs. 465, 479) only for Indian tribes that were under Federal jurisdiction at the time of its passage in 1934. The Narragansett Tribe admittedly was not under Federal jurisdiction in 1934, accordingly the Supreme Court held that the Secretary erred by acquiring land in trust for the Narragansett Tribe under 25 U.S.C. sec. 465.

The Court ruled that the Indian Reorganization Act in Section 479, which states that it applies to Indians "now under Federal jurisdiction," refers unambiguously to the date of its enactment in 1934. Accordingly, the Secretary's authority to acquire land for Indian tribes in trust under IRA Section 465 is limited to Indian tribes under Federal jurisdiction at the time of its enactment in 1934.

This case does not affect Indian tribes that were under Federal jurisdiction prior to 1934, nor does it affect the trust land of Indian tribes where those lands were acquired by the Secretary pursuant to a Federal recognition statute authorizing the acquisition of such lands in trust.

For lands held in trust for Indian tribes recognized after 1934, if the lands were taken in trust more than six years ago, the statute of limitations should bar any challenge to the trust status of the land.

First, to protect the justifiable expectations of Indian country, NIGA and NCAI are calling

on the Secretary of the Interior to apply this case prospectively and defend all existing land holdings. We must call upon the Secretary to honor his trust responsibility.

Second, the Secretary should work with Congress to amend the Indian Reorganization Act to restore the justifiable expectations of Indian country and to recognize the fact that all Federally recognized Indian tribes should have the right to acquire trust land for governmental and community purposes. We must call upon the Administration and Congress to immediately enact legislation to overturn the Supreme Court's *Carcieri* decision.

Employee Free Choice Act

On March 10th, the "Employee Free Choice Act of 2009" (EFCA) was introduced in both the House and Senate (S.560). Tribes need to act now and notify the Senate about Indian Country's concerns. The Congressional leadership has decided that the EFCA will be voted on first by the Senate.

NIGA will continue to oppose the EFCA unless it is Amended to Treat Indian Tribes as Governments. At the NCAI mid-year conference in Niagara Falls, Tribes came together to pass a Resolution opposing the EFCA unless it contains an amendment treating Tribes as governments under the NLRA. The Resolution unequivocally states:

"...that the NCAI does hereby call on Congress to include language (in the EFCA) treating Indian tribes as other governments for purposes of the NLRA in any amendments to the Act; and BE IT FURTHER RESOLVED, that the NCAI opposes the Employee Free Choice Act unless and until tribes are treated as governments for all purposes under the NLRA;

BE IT FURTHER RESOLVED, that the NCAI supports the amendment offered by Senator Inouye and legislative language consistent therewith;

BE IT FURTHER RESOLVED, that the NCAI thanks and commends Senator Inouye for his leadership on this issue and his continuing dedication to protecting Tribal sovereignty and faithful adherence to the Constitution;"

NIGA has always maintained that Indian tribes should be treated as governments under the Federal labor and tax laws. For example, in 2000, NIGA worked to secure treatment of Indian tribes as governments for purposes of the Federal Unemployment Tax Act. We are also seeking treatment of Indian tribes as governments under the Federal pension law. Naturally, as government employers, Indian tribes continue to support employee rights and interests and tribal governments have established tribal pension protections.

Indian Country has a long history of support for union members. For example, through the Iron Workers Union, Native Americans have

participated in raising the high rise towers that are the foundation of city skylines. Many tribes have worked out agreements with the building trades in constructing gaming and hotel facilities. Indian tribes have always supported employee rights within the context of tribal law and tribal self-government.

However, as Senator Inouye and Tribal leaders have discussed, there is no room for negotiating Tribal sovereignty. We are confident that with the Resolution passed by NCAI at their mid-year conference and the Amendment offered by Senator Inouye, Indian Country is moving ahead with protecting Tribal sovereignty and securing treatment on par with State and Federal Governments under our Nation's labor laws.

SAVE THE DATES!

July 13-15 – Northwest Indian Gaming Conference and Expo. Tulalip, Washington. www.washingtonindiangaming.org

August 9-11 Oklahoma Indian Gaming Conference Tulsa, Oklahoma www.okindiangaming.org



July 21
CNIGA Meetings

July 22
NIGA Meetings
NIGA Congressional Reception

**HYATT REGENCY
CAPITOL HILL**

Agenda Includes:

111th Congressional Update, NIGC Update, Presidential Transition Update, Employee Free Choice Act

2009

NIGA MID-YEAR

Membership Meeting

September 15-16, 2009

Santa Fe, New Mexico

Includes:
NIGA Tribal Leader's Meeting, Training Seminars, 11th Annual John Kieffer Awards Banquet & Concert, Golf Tournament

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