

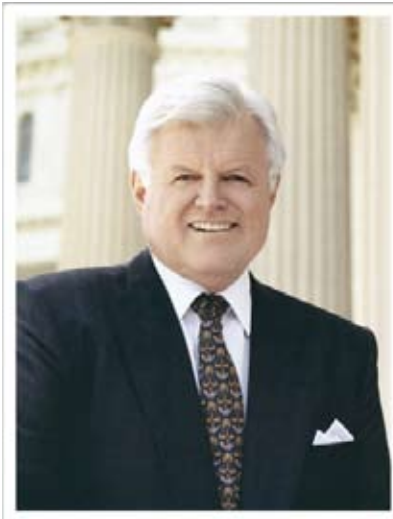


INDIAN GAMING UPDATE

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

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SEN. KENNEDY - REMEMBERED AS A TRUE ADVOCATE



Dear Friends,
Sagoli Swakweku - Greetings from Washington, D.C.!

Late last month, Sen. Edward "Ted" Kennedy lost his 15 month battle to brain cancer at his home in Hyannis Port, Mass. on August 27th, 2009.

Sen. Kennedy held a legacy of service in his almost 50 years in the Senate. He was a not only a devoted leader in the Senate, but a devoted husband, father, grandfather and uncle.

Throughout his powerful and significant career, Senator Kennedy was a true advocate for all minorities in the Senate. Like his brothers, John and Robert, Senator Kennedy was a great champion for Native Americans.

President Kennedy broke decisively with the termination era of the 1950s by inviting Tribal leaders to meet with him on the campaign trail and at the White House. He laid the foundation for the Indian Self Determination

policy. Sen. Robert Kennedy took the war on poverty to the Oglala Sioux tribe, highlighting the plight of our people. Senator Ted Kennedy picked up their mantle, co sponsoring major legislation, assisting Tribal law enforcement and justice systems, working to include us in the political system and speaking out for the First Americans. He helped champion the passage of the Indian Child Welfare Act, which is a cornerstone of Tribal Government protection for our disadvantaged youth.

Without a doubt, Sen. Kennedy helped change the lives of countless people throughout Indian country by using his considerable influence in the Senate. He was a great friend; an American legend and Indian country will truly miss his leadership.

And while there will be a significant gap in the Senate by the loss of Sen. Kennedy, it is inspiring to know that the strength, determination and the heed of call to political service can be found in his son Rep. Patrick Kennedy. Much like his father, he has already shown a true determination to work on behalf of Indian country. Today, our thoughts and prayers go out to Patrick, Sen. Kennedy's wife Victoria and all of the Kennedy family during this time of reflection and remembrance.



Ernie Stevens Jr.

Ernest L. Stevens, Jr.

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Oklahoma Indian Gaming Confab focused on Indian sovereignty

On Aug. 9-11, NIGA Chairman Ernie Stevens Jr. addressed attendees of the Oklahoma Indian Gaming Conference in downtown Tulsa about the importance of maintaining a presence in Washington, D.C.

Stevens said Oklahoma is undoubtedly Indian Country, as leaders and constituents alike continue to do a great job maintaining a strong presence Washington, D.C. In particular, he pointed to the efforts of David Qualls, Oklahoma Indian Gaming Association Chairman.



"This is Indian Country. Every place you go in Tulsa and around Oklahoma, you see Indian people," Stevens said. "This is the most Indians I've seen in my life."

The importance of solidarity and finding strength in numbers for the collective good of the whole has not been lost on Stevens, whose father led Indian Country to retain

tribal sovereignty a generation earlier. Ernest Stevens Sr. did two combat tours in Korea before returning home to help Indians on the reservation and in Washington, D.C.

"Dad had a way of fighting on behalf of sovereignty, like so many of our elders do," Stevens said. "Never give up, never rest, never get tired (was the advice).

"I think that's where we're at right now," he said.

Stevens recounted the early beginnings of Indian gaming and the skepticism Indian Country faced in implementation of a new form of economic development. Today, Indian gaming has become more than a boon for tribes across the country, especially since many states now depend on the gaming revenues to weather the rough economic climate.

"Whether it's a flourishing economy or a tough economy, we've been through this with our lives, our family and our businesses," Stevens said.

His comments on the American Indian tenacity for survival were not limited to gaming, but also to simple daily existence for many native families that most Americans were not familiar with. While America struggles, I say welcome to our world, he said.

Inciting panic at the state of the stock markets is not the forte of Indian Country.

"When rich folks lose a few dollars, they panic. Indian Country doesn't panic, we just work harder," Stevens said. "I think people have to understand when Indian Country loses, our communities lose.

"It's not about being rich, it's about being a community," he added.

Part of the self-sufficiency afforded to Indian communities from gaming is the supplemental funding afforded to students for education. With five kids, Stevens said his children know firsthand the importance of college degrees.

"My oldest son is a tribal councilman and just finished with his MBA," Stevens said. "I have three daughters in college, one in grad school and two undergrads. Ernest III has a media degree.

"If I could promote anything, I say education and training," he concluded.

The next speaker's message was rooted in legislative action.

Jason Giles, NIGA general counsel and deputy director, followed Stevens with a legislative update on major items facing Indian Country in Washington, D.C. being tackled by NIGA, NCAI and supporters of Indian sovereignty.

The biggest concern are the labor issues surrounding the Employee Free Choice Act, which is a glaring violation of Indian sovereignty, as tribes have been excluded in the language of the legislation.

"We have a core support in the Senate now for some kind of amendment to the Employee Free Choice Act that will exempt tribes from this nation's labor laws," Giles said. "Federal, state and local governments are exempted because they are sovereign entities."

The sovereign status of Indian nations must be counted accordingly, he said.

Indian Country must continue fighting to be exempted on the basis of Indian sovereignty, he said. Assisting tribes on this issue are Congressman Cole and Congressman Bourne from Oklahoma. In the Senate, Sen. Coburn is expected to stand up in defense of Indian Country's position.

The second issue is the *Carcieri v. Salazar* decision in the Supreme Court, which Giles said can only be repaired legislatively. Rhode Island Gov. Carcieri's efforts for the state to maintain a stranglehold of the Narragansett Tribe's historic tribal lands has been argued in court resulting in an unfavorable ruling against the tribe.

Fighting this case with Congressional legislation is the major battle Indian Country must undertake immediately, Giles said. Having a role in the legislative process to fix language in any amendments is paramount, he added.

"It's literally two words, or removing a word, that's how simple this issue is," Giles said. "All land in the trust decisions, even within the tribe's reservation, those decisions for lands in trust should be automatic.

"It should be a quick and easy process for a tribe to regain their traditional homelands, especially when that land was taken," he said.

Throughout the conference, the message for attendees and Indian Country was clear: working together and communication are the keys to success in maintaining Indian sovereignty.

NIGA PARTNERS WITH PAWNEE NATIONS COLLEGE

Pawnee Nation College (PNC) in Pawnee, Oklahoma, and the National Indian Gaming Association (NIGA) have formed a partnership to establish a program that will provide tribal gaming instruction and education. Through the partnership, Pawnee Nation College will be the first tribal college in the nation to offer such a program that seeks to serve the collective interests of Indian country by promoting the professional advancement of Indian people in the Indian gaming industry.

PNC and NIGA will offer thirteen (13) short-term seminars in the areas of tribal gaming, business, hospitality and other gaming-related derivatives as stipulated in the College's Mission and the College's Tribal Gaming Regulatory Initiative (TGRI). The TGRI was first developed by the College through consultation with gaming professionals and tribal leaders to provide certification training in Indian Gaming Regulatory Management. The TGRI certification program is ideal for gaming commissioners, compliance officers, investigators, tribal leaders, tribal economic development staff, casino personnel, and anyone seeking in a career in the casino industry.

TGRI students can choose to complete an entire program or pick specific courses for their training. To receive program certification, students must complete 180 hours of both required and elective courses. With successful course completion, students will receive a course completion certificate. Students can enroll in classes such as History of Indian Gaming, State/Tribal Compacts, Federal Indian Law and Gaming, National Indian Gaming Commission, Tribal Gaming Regulating Authority I, Tribal Gaming Regulating Authority II, Tribal Gaming Ordinances, National Indian Gaming Regulatory Act, Technology in Gaming, MICS and TICS, Review of New Class II Regulatory Standards Published, Public Relations

and Gaming Commissions, and Auditing Between Commission – Tribe – Casino. The duration of hours for each seminar range from 8 to 32 hours. Every TGRI seminar will be taught by well-qualified instructors. Registration fees for classes range from \$27.50 to 35.00 per hour.

The primary purpose of the partnership is to promote the professional advancement of Indian people in



NIGA Chairman-Elect Ernie Stevens, Jr., joins Pawnee Nation College President Todd Fuller in signing ceremonies on the campus of the Pawnee Nation College in Pawnee, Oklahoma. Also pictured are Marshall Gover, George E. Howell, Buddy Lone Chief, Gwen Shunatona, Elizabeth Black Owl, and Christie Moudlin

the Indian gaming industry through educational opportunities for current and future tribal gaming employees. This historic partnership was made official through a Memorandum of Understanding signed by NIGA Chairman, Ernie Stevens, Jr. and Pawnee Nation College President, Dr. Todd Fuller at a meeting held at the college campus. The Memorandum also recognized the invaluable contribution of tribal colleges on promoting, community, social, cultural, and economic development in tribal communities.

Upon the signing, Chairman Stevens stressed the impact that tribal colleges have had on Ghis families' education and on Indian education as a whole. "I am an educator by heart and by trade." Chairman Stevens reflected. "Tribal colleges, for me, are the best place in the whole world. I have five kids and all of those kids are completely educated through the tribal college

system. If we can do more through tribal college, then our people are better and our communities are stronger."

Chairman Stevens also expressed his gratitude at being apart of the Indian education movement.

"This is an honor. To be here today, to move this agreement forward, to promote and advance education, that is my life's goal," Chairman Stevens told the College. "Today, being here with you folks, this is one of the best moments. If I can help you educate the young, that is my goal."

Pawnee Nation President George Howell welcomed Chairman Stevens to the College and thanked NIGA for their assistance with the program.

"We hold education as a high priority. I really appreciate you coming and helping us with this agreement. We're looking to make good things happen in Indian Country with this agreement," said President Howell.

Pawnee Nation College President Todd Fuller also spoke at the meeting and expressed his excitement about the partnership and having the NIGA aboard to support the program.

"What we believe with this partnership and this agreement, is that it becomes a very attractive opportunity for people once they know that the National Indian Gaming Association is affiliated with the College and that we have a partnership like that," said Fuller.

"The credibility that it creates for us as an institution is just tremendous."

The TGRI certification program is expected to start classes in Spring 2010. Applications can be downloaded at <http://www.pawneenationcollege.org>





American Indian tribal and Industry leaders will gather September 15-16, 2009 in Santa Fe, New Mexico at the beautiful Buffalo Thunder Resort & Casino for the National Indian Gaming Association's (NIGA) Mid-Year Conference. The two-day event will feature more than 15 training workshops and seminars, a golf tournament at Towa Golf Resort and the Sovereignty Awards Banquet with a live performance by Native singer Jana Mashon.

NIGA's Membership Meeting will focus on the important legislative topics affecting Indian Country and Tribal Sovereignty. Tribal Leaders will address: Treat Tribes as Governments under the Employee Free Choice Act, Stop Taxation of Tribal Government Revenue, Land into Trust: Carcier vs. Salazar, Tax Exempt Bonds and Economic Development and NIGC Commission Review: Respect Government to Government Consultations/MICS Regulations/ Advisory Committees and White House Meeting Presidential Executive Order.

The training workshops and seminars will cover a number of popular topics facing Tribes and the Indian Gaming Industry. Topics include: Motivating Employees in Challenging Times, Trends in Slots Management and Tribal PR 2.0: Getting Our Message out using Online Communications and Social Media.

Seven-time Native American Music Award winner, Jana Mashonee, Lumbee, will headline the Sovereignty Awards Banquet on Tuesday, September 15 where the John Kieffer Award will be presented to an individual who is dedicated to protecting and promoting Tribal Sovereignty.

For agenda updates and descriptions of workshops, and sponsorship opportunities, visit the NIGA Web site at www.indiangaming.org.

The National Indian Gaming Association is a non-profit trade association comprised of 184 American Indian Nations and other non-voting associate members. The common commitment and purpose of NIGA is to advance the lives of Indian people – economically, socially and politically. NIGA operates as a clearinghouse and educational, legislative and public policy resource for tribes, policymakers and the public on Indian gaming issues and tribal community development.



MID YEAR SCHEDULE AT A GLANCE

September 15

10 am
Golf Tournament
Towa Golf Resort

9am-5 pm
Training Seminars

1pm - 7 pm
Arts & Crafts

5pm - 7 pm
AIBN Welcome Reception

7 pm
Sovereignty Awards Banquet

8 pm
Concert featuring Jana

September 16

9-5 pm
Tribal Leader's Meeting

8-5 pm
Arts & Crafts

12 pm
Lunch Provided

*Times are subject to change.

NIGA LEGISLATIVE UPDATE

NIGC MOVING FORWARD ON NEW REGULATIONS

The NIGC has prepared potential revisions to the gaming machine section of the Class III MICS for distribution to its MICS Tribal Advisory Committee (MTAC). The MICS Tribal Advisory Committee has been meeting with the NIGC representatives to discuss potential regulatory changes to 25 CFR Part 542, Gaming Machines.

The NIGC appears to be proceeding in a procedurally deficient manner and NIGA is mobilizing our member Tribes to oppose the promulgations of these regulations in the absence of prior consultation. Further, the NIGC has made a statement indicating they are an independent agency that does not need approval for their regulations from OMB, nor do they believe they are required to follow President Obama's directive to withdraw all Bush-era proposed regulations.

Background of the NIGC Proposal

The proposed provision represent a major expansion of the NIGC's authority into "gaming associated" equipment, such as back-of-house accounting systems, currency processing, player tracking systems, "ticket-in/ticket out", and ticket redemption systems. The content is represented as internal control standards, but the draft establishes "technical standards" for "gaming associated equipment and systems, with potentially significant cost ramifications. These types of systems are very expensive. There is substantial concern that the issuance of the proposed standards will drive costs even higher. Smaller system providers may have difficulty meeting the cost requirements of the new standards.

These standards appear to lean heavily to those casino management computer systems based on the SAS protocol platform. These systems are among the most expensive in our industry (\$5m-\$50m depending on the size of the gaming operations owned by the tribe.) These sections are being proposed irrespective of an operation(s) tier classification, so the cost of compliance with these technical standards will undoubtedly prove to be cost prohibitive to a large segment of our industry and render some operations unprofitable.

There has been no consultation with Indian tribes by the NIGC on its proposals. The proposed regulations are ill-advised because they impose unnecessarily high costs on tribal gaming operations and they exceed the NIGC's statutory authority. We respectfully submit that the Administration should not publish these proposed rules.

Moreover, the NIGC is an agency of the Department of the Interior and is required to follow the rules that guide other federal agencies. Specifically, the NIGC must follow:

- Executive Order 13175 on consultation with tribal governments;
- Executive Order 12866 which requires consultation with tribal governments before a rule is published for notice and comment;
- The Federal Advisory Committee Act, which requires presentation of a committee plan to GAO for review prior to the establishment of an advisory committee;
- The Regulatory Flexibility Act, which requires preparation of the economic impact of a regulatory action on small entities and consideration of alternatives that would cost less; and
- The Unfunded Mandates Act, which requires agencies to avoid promulgating rules that impose significant costs on state, local and tribal governments without paying for those costs.

NIGA is urging Tribes to send letters to the White House, OMB, the Secretary of the Interior, the Chairman of the House Natural Resources Committee and the Senate Indian Affairs Committee.

Copies of the letter can be found on our website at www.indiangaming.org

Mid Year Tribal Leaders' Roundtable Discussion Topics include:

Treat Tribes as Governments under Employee Free Choice Act (EFCA)

Stop Taxation of Tribal Government Revenue

NIGC Mission Review: Respect Government to Government Consultation /MICS Regulations / Advisory Committees

Internet Gambling Legislation

Land into Trust: Carcieri v. Salazar Tax Exempt Bonds and Economic Development

White House Meeting & Presidential Executive Order



"I recommend the NIGA Gaming Commissioner Training to anyone and everyone involved in Indian Gaming. It's an awesome training and networking tool for all Tribal agencies to learn so much knowledge and make new friendships throughout Indian Country. This training will help you protect and serve your respective tribe and give yourself a better understanding of the roles and responsibilities of your current Gaming Commissioners."

Jason Thompson -Slot Director, Spirit Lake Casino & Resort



"This was a great opportunity for networking with professionals in the field of Gaming Regulatory oversight, and the presentation Avoiding Cheats and Scams was eye opening! I also enjoyed the working group's part of the program; it allowed us as students to test theory and put it to practice! Great exercise!"

Kenneth Reels, Mashantucket Pequot Tribal Nation



"This course provides the necessary personal infrastructure that a Commissioner needs to be a top performer on their respective Commissions. Also, the networking you gain and the friendships you forge across Indian Country are priceless!"

Terri Morris, HR Manager Pearch Creek Gaming



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LEVEL TWO & THREE
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For More Information and to register visit us at www.indiangaming.org
To reserve your room call 1-877-873-6322 ask for the National Indian Gaming Association Room Block.