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May 1, 2019

The Honorable John Hoeven  
Chairman  
Committee on Indian Affairs  
United States Senate  
Washington, DC 20510

The Honorable Tom Udall  
Vice Chairman  
Committee on Indian Affairs  
United States Senate  
Washington, DC 20510

Dear Chairman Hoeven & Vice Chairman Udall:

On behalf of the American Gaming Association (AGA), I appreciate the opportunity to comment on S. 790, a bill to clarify certain provisions of Public Law 103-116, the Catawba Indian Tribe of South Carolina Land Settlement Act of 1993, and for other purposes.

In recent years, AGA has expanded its membership to be more reflective of the U.S. gaming industry, and now includes gaming suppliers and tribal gaming operators. In line with AGA's membership evolution, we have also modernized our position regarding off-reservation tribal gaming. In the past, AGA opposed all efforts to open off-reservation gaming facilities. After lengthy and open discussions with our membership, we have modified this position and recognize the Indian Gaming Regulatory Act (IGRA) specifically contains exceptions. However, our membership continues to have significant concerns about tribes attempting to locate new facilities far from their homelands simply to increase their potential profit. Accordingly, AGA believes a Tribe should be required to have both historic and geographic connections to the land they are acquiring for off-reservation gaming. While AGA is not in a position to serve as the arbiter of competing assertions related to fact patterns surrounding tribal land claims, we strongly recommend the Committee ensure both of these important criteria are met as you consider S. 790.

AGA also supports policies that strengthen process transparency and clear bright-line standards to ensure marketplace certainty. AGA, therefore, has concerns that S. 790 would explicitly remove the application of section 20 of IGRA to the land authorized to be taken into trust under the bill. Circumventing the bright line standards established by IGRA creates a precedent that runs counter to our overarching goal of ensuring a consistent and transparent process surrounding off-reservation gaming determinations. We respectfully urge the Committee to strike this exception if the legislation is considered at markup.

Sincerely,



William C. Miller, Jr.  
President & CEO