



"Because There is Strength in Unity"

Keller George
President
kgeorge@oneida-nation.org

Randy Noka
Vice-President

Beverly Wright
Secretary
chairprs@wampanoagtribe.net

Peter Shultz
Treasurer

James T. Martin
Executive Director
jtmartin@usetinc.org

Wanda Janes
Tribal Liaison Officer
wjanes@usetinc.org

Brenda Shore Fuller
Health Information
Officer
beshore@usetinc.org

Tiffany Chevront
Bureau Information Officer
chevy@usetinc.org

Lisa Berrios
Environmental Liaison Officer
lberrios@usetinc.org

United South and Eastern Tribes, Inc.

711 Stewarts Ferry Pike
Suite 100
Nashville, TN 37214

FAX COVER SHEET

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To: Chairman Hogen
From: James T. Martin
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COMMENTS:

*USET Resolution No. 2005:012
National Indian Gaming Commission
Class II Technical Standards*

202-632-7066

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Phone: (615) 872-7900

Fax: (615) 872-7417

www.usetinc.org



UNITED SOUTH AND EASTERN TRIBES, INC.
 711 Stewarts Ferry Pike • Suite 100 • Nashville, TN 37214
 Telephone: (615) 872-7900 • Fax: (615) 872-7417

November 15, 2004

Mr. Philip N. Hogen
 Chairman
 National Indian Gaming Commission
 1441 L Street, NW, Suite 9100
 Washington, DC 20005

Dear Chairman Hogen,

I am writing on behalf of United South and Eastern Tribes, Inc. (USET), an intertribal organization comprised of twenty-four federally recognized tribes from twelve states. At the USET Board of Directors meetings, the Board considers and approves resolutions on various areas of Indian affairs policy. Attached you will find a USET resolution presented for your consideration and advocacy on behalf of our member tribes.

2005:012 National Indian Gaming Commission Class II Technical Standards

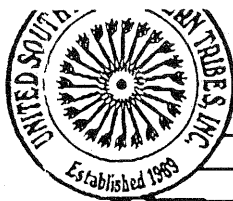
This resolution is a public expression of our member tribes' views and public stance on specific issues affecting Indian Country. USET looks forward to working with you to carry out the intent of this resolution. If you have questions about the resolution please call the USET office at 615-872-7900.

Sincerely,

A handwritten signature in cursive script that reads "James T. Martin".

James T. Martin
 Executive Director

"Because there is strength in Unity"



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2005:012

NATIONAL INDIAN GAMING COMMISSION CLASS II TECHNICAL STANDARDS

- WHEREAS, United South and Eastern Tribes Incorporated ("USET") is an intertribal organization comprising 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, Indian Tribes are sovereign indigenous nations, with rights of self-government pre-dating the United States; and
- WHEREAS, the Constitution of the United States, treaties, statutes, and executive orders acknowledge the sovereign status of Indian Tribes as governments; and
- WHEREAS, President Bush issued an Executive Memorandum to all Executive Departments and Agencies to work with Indian nations on a government-to-government basis and to consult with Tribes before taking any action that could have an impact on any Indian nation; and
- WHEREAS, Indian gaming is an essential aspect of Tribal self-government and the Indian Gaming Regulatory Act (IGRA) recognizes that Indian gaming is essential to Tribal economic development, self-sufficiency, and strong self-government; and
- WHEREAS, IGRA's statutory language acknowledges Tribal government authority to use Class II "technologic aids," independent of Tribal-State compacts; and
- WHEREAS, five Federal Court of Appeals rulings have upheld the right of tribal governments to use Class II technologic aids; and
- WHEREAS, the National Indian Gaming Commission (NIGC) issued a definition regulation on June 17, 2002, acknowledging the right of Tribal governments to use Class II gaming; and
- WHEREAS, the NIGC has proposed a Class II Technical Standards Regulation that threatens Tribal rights to use Class II technologic aids contrary to the statutory language of IGRA, Federal Court decisions and NIGC's 2002 Class II definition regulation; therefore, be it
- RESOLVED that the USET Board of Directors calls upon NIGC to engage in meaningful consultation with Tribal governments regarding the Class II Technical Standards Draft Regulation in an effort to accommodate the legitimate concerns of Tribal governments; and, be it further
- RESOLVED that the USET Board of Directors calls upon the NIGC to follow the statutory definition of bingo, acknowledging Tribal government authority to determine appropriate bingo prizes, the size of bingo cards, the timing of bingo card selection, the use of auto daub features,

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bingo ball draws, and the acknowledgment of tribal government rights to utilize technologic aids to enhance Class II pull-tab games; and, be it further

RESOLVED that the USET Board of Directors calls upon the NIGC to respect the role of Tribal gaming regulatory agencies as the primary regulators of Indian gaming and provide for due process in NIGC agency rulings; and, be it further

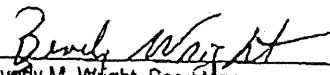
RESOLVED that the USET Board of Directors calls upon the NIGC to amend the Class II Technical Standards Draft Regulation to fully incorporate Tribal government comments and concerns and provide a new draft regulation prior to publishing the proposal in the Federal Register.

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting & EXPO at which a quorum was present in Verona, NY on Thursday, October 28, 2004.



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



Beverly M. Wright, Secretary
United South and Eastern Tribes, Inc.