Salazar, Echo Hawk: “Actions Must be ‘Principled and Transparent’”

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For Immediate Release: June 28, 2010
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WASHINGTON – The Department of the Interior will continue to process eligible pending applications for gaming on Indian lands while it consults and collaborates with tribal leaders in a comprehensive review of federal Indian gaming policy, Assistant Secretary-Indian Affairs Larry Echo Hawk said today.

“Secretary Salazar believes that the Interior Department needs to establish clear guidelines for how it will review and make decisions on Indian gaming applications or requests under the Indian Gaming Regulatory Act,” Echo Hawk said. “I agree with the common-sense approach outlined in Secretary Salazar’s memorandum on Indian gaming. With this guidance, we intend to continue to move forward not only on pending applications and requests for gaming on Indian lands, but also on meaningful consultation on federal Indian gaming policy in accordance with President Obama’s commitment to the government-to-government relationship with tribal nations.”

The Interior Department’s path forward on Indian gaming policy is outlined in a memorandum from Secretary of the Interior Ken Salazar to Assistant Secretary Echo Hawk.

The Interior Department, through the Assistant Secretary-Indian Affairs, has the authority and responsibility to review and approve applications to take land into trust for Indian gaming, adhering to the legal standards set forth in federal law, including the Indian Gaming Regulatory Act (IGRA) and the Indian Reorganization Act. Congress enacted IGRA to provide a basis for gaming by federally recognized tribes “as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments.”

Revenues from tribal gaming are used for specific purposes, including funding tribal government operations and programs, and providing for the general welfare of the tribe and its members. Proceeds from gaming can allow a tribe to provide greatly needed services such as health care, education and housing, thereby increasing the tribe’s self-reliance, one of the Act’s goals.

Under IGRA’s implementing regulations, Interior also has the responsibility to determine whether gaming can occur on lands acquired after IGRA’s enactment in 1988. The Act established two distinct types of post-1988 Indian gaming applications or requests: “Off Reservation” Land-in-Trust/Gaming Requests [25 U.S.C. Section 2719(b)(1)(A)] and Reservation and Equal Footing Exceptions [25 U.S.C. Sections 2719(a) and (b)(1)(B)].

In the more than twenty 20 years since IGRA was passed, Interior has approved only five applications under the “off reservation,” or “two-part” determination, provision and only 36 applications under the reservation and equal footing exceptions.

In accordance with the Secretary's memorandum, the Assistant Secretary will undertake a review of issues raised by off-reservation gaming applications, including an examination of current guidance and regulatory standards and consultation with tribes, to guide Interior's decision making in this area. As noted by the Secretary in his memorandum, the adoption of "principled and transparent" criteria regarding such determinations will lead to sound federal Indian gaming policy on two-part determination applications and requests.

In addition, the Assistant Secretary will work with the Interior Solicitor to determine whether the lands in certain other applications are eligible for gaming under the reservation and equal footing exceptions of IGRA.

Click here to view the memorandum at
http://www.doi.gov/tribes/loader.cfm?csModule=security/getfile&PageID=3...