

# Oneida Tribe of Indians of Wisconsin

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Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the Colony of Pennsylvania, a new nation, the United States, was made possible.

## RESOLUTION # 10-02-91 B

- WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States, and
- WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council, and
- WHEREAS, the Oneida Tribe has determined that the Indian Gaming Regulatory Act of 1988 has preempted the law over Indian regulated gaming on the reservation, which includes the establishment of a National Indian Gaming Commission to implement IGRA, the classification of gaming into three (3) classes, the assessment of fees by the Commission over Class II games, State-Tribe Class III gaming compacts, among others, and
- WHEREAS, the National Indian Gaming Commission was not operational for nearly two years, thus inhibiting the promulgation of rules for the conduct of the Commission's responsibilities, specifically including the need to consult with Tribal governments, and
- WHEREAS, the National Indian Gaming Commission promulgated its first rules under the IGRA addressing Class II fee assessments which became final on June 28, 1991 with first assessments due on September 30, 1991, and
- WHEREAS, the Oneida Tribe with many other tribes objected to the Commission's lack of consultation prior to promulgation of the assessment rules, and other rules to implement the Act, and
- WHEREAS, IGRA set forth a general process of negotiating compacts between tribes and states to jointly regulate Class III gaming which is not yet accomplished by the Oneida Tribe although two tribes in Wisconsin have concluded such

compacts, and implies the intent of the Act to negotiate issues arising between the Commission and other entities, and

WHEREAS, the Oneida Tribe is aware that the Commission has consulted with the Office of Management and Budget, and will in the future, and other agencies of the federal government on the issuance of proposed regulations under IGRA, and


WHEREAS, IGRA contemplates a cooperative relationship between tribal governments and the Commission which we believe minimally includes prior consultation with tribes to insure that IGRA is effectively and efficiently implemented for the benefit of the tribes, the Commission, the states and the public, and

WHEREAS, the United States Congress passed the Negotiated Rulemaking Act of 1990 for the sole purpose facilitating rulemaking needs of federal agencies and to avoid costly and time consuming litigation.

NOW, THEREFORE, BE IT RESOLVED, that the Oneida Tribe hereby urges that the Negotiated Rulemaking Act of 1990 be invoked by the National Indian Gaming Commission in the implementation of all further rules promulgated pursuant to IGRA, and that the Commission hold comprehensive hearings in Washington, D.C., and field hearings throughout Indian Country prior to the issuance of any more rules so that tribal governments and other interested parties may participate in the formulation of regulations based upon IGRA, which was enacted to protect Indian gaming.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members, of whom 5 members constitute a quorum. 7 members were present at a meeting duly called, noticed and held on the 2nd day of October, 1991; that the foregoing resolution was duly adopted at such meeting by a vote of 6 members for; 0 members against; and 0 not voting; and that said resolution has not been rescinded and amended in any way.

  
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Amelia Cornelius, Tribal Secretary  
Oneida Business Committee