United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

FEB 26 1997

MAR 13 1997

Honorable Kathryn Harrison
Chairperson, The Confederated Tribes
of the Grand Ronde Community of Oregon
9615 Grand Ronde Road
Grand Ronde, Oregon 97347

Dear Chairperson Harrison:

On January 13, 1997, we received The Amended and Restated Tribal-State Compact (Amendment) for the Regulation of Class III Gaming between the Confederated Tribes of the Grand Ronde Community of Oregon (Tribe) and the State of Oregon (State), dated January 10, 1997. We have completed our review of the Amendment and conclude that it does not violate the Indian Gaming Regulatory Act (IGRA), Federal law, or our trust responsibility. Therefore, pursuant to Section 11(d)(8)(A) of the IGRA, 25 U.S.C. § 2710(d)(8)(A) and delegated authority in 209 DM 8.1, we approve the Amendment. The Amendment shall take effect when notice of our approval, pursuant to Section 11(d)(3)(B) of the IGRA, 25 U.S.C. § 2710(d)(3)(B), is published in the FEDERAL REGISTER.

We note, however, that the Tribe must come within an exception to the Professional and Amateur Sports Protection Act (PASPA), 28 U.S.C. §§ 3701-3704, to conduct sports betting under the Compact. PASPA makes it unlawful for a government entity, including an Indian tribe, to sponsor, operate, or authorize by law or compact, gambling on amateur or professional sports. To be lawful, any sports gaming pursuant to Section 4 of the Compact must come within one of the exceptions authorized by Section 3704 of PASPA.

The exception at Section 3704 (a)(2) establishes two criteria which must be met to authorize sports betting. First, the gambling must be authorized by a statute in effect on October 2, 1991. Second, the gambling must actually have been conducted sometime between September 1, 1989, and October 2, 1991. Sports-related lottery games, including electronic lottery games that are based upon the results of sporting events, are authorized by Oregon Revised Statutes (ORS) Section 461.213, which was enacted in 1989. Therefore, if games were conducted as authorized by the Oregon statutes during the relevant period, we believe the Tribe may establish that it falls within the exception to the general prohibition against sports betting. We are not, however, in a position to verify the factual basis for establishing whether the Tribe comes within the exception. Therefore, we express no opinion on the matter.

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Section 4 of the Compact authorizes sports "bookmaking," an undefined term. Section 4 prohibits wagers by telephone, and we consider "bookmaking" to be only that sports betting which has been previously allowed as sports-related lottery games under ORS 461.213.

We wish the Tribe and the State success in this economic venture.

Sincerely,

/S/ Ada E. Deer

Ada E. Deer
Assistant Secretary - Indian Affairs

Enclosure

Identical Letter Sent to: Honorable John Kitzhaber
Governor of Oregon
254 State Capitol
Salem, Oregon 97310

cc: Portland Area Director, w/copy of approved Amendment
Supt., Siletz Agency w/copy of approved Amendment
National Indian Gaming Commission w/copy of approved Amendment
Pacific NW Regional Solicitor's Ofc w/copy of approved Amendment
Portland United States Attorney w/copy of approved Amendment