



*Congresswoman*  
**VERONICA ESCOBAR**  
*Texas' 16th Congressional District*

April 2021

**MYTH VS. FACT**  
**The Ysleta del Sur Pueblo and Alabama-Coushatta Tribes of Texas Equal and Fair Opportunity Settlement Act**

**KEY POINTS:**

- The Ysleta del Sur Pueblo and Alabama-Coushatta Tribes of Texas Equal and Fair Opportunity Settlement Act, introduced by Congresswoman Veronica Escobar (TX-16) and Congressman Tony Gonzales (TX-23) is a 19-word bill that simply ensures that the Ysleta del Sur Pueblo and the Alabama-Coushatta Tribes are covered by the Indian Gaming Regulatory Act (IGRA).
- This bill would create parity with the only other Federally recognized Tribe in Texas, the Kickapoo Traditional Tribe of Texas.

**MYTH:** The Ysleta del Sur Pueblo and Alabama-Coushatta Tribes of Texas Equal and Fair Opportunity Settlement Act is an expansion of gaming in Texas and will lead to "Vegas" style gaming.

- **FACT:** This bill does not expand gaming in Texas but allows the Ysleta del Sur Pueblo and the Alabama-Coushatta Tribe to offer electronic bingo on their reservations, something the only other federally recognized Tribe in Texas, the Kickapoo Traditional Tribe of Texas, has been doing since 1996 without interference from Texas.

**MYTH:** The Ysleta del Sur Pueblo and Alabama-Coushatta Tribes of Texas Equal and Fair Opportunity Settlement Act will lead to "off-reservation" gaming in Texas.

- **FACT:** This bill will place the Ysleta del Sur Pueblo and the Alabama-Coushatta Tribe under IGRA, allowing them to offer electronic bingo on their respective reservations. Under IGRA, the Tribes are prohibited from "off reservation" without approval from both the Department of Interior and most importantly, the Governor of the states where tribes reside.

**MYTH:** Texas is opposed to the Ysleta del Sur Pueblo and Alabama-Coushatta Tribes of Texas Equal and Fair Opportunity Settlement Act.

- **FACT:** A recent May 21, 2019 state-wide poll in Texas found that allowing Indian Tribes the ability to offer electronic bingo games had the support of 67% of likely voters, with only 13% opposed. For this reason, this bill has received overwhelming support in local communities around the state. Over 32 resolutions of local support have been passed, including resolutions from 12 local counties.

**MYTH:** The Ysleta del Sur Pueblo and Alabama-Coushatta Tribes of Texas Equal and Fair Opportunity Settlement Act violates the Texas Constitution.

- **FACT:** This bill will allow the Ysleta del Sur Pueblo and the Alabama-Coushatta Tribes to have electronic bingo on their reservations. Texas amended its Constitution in 1980 to permit the playing of bingo by charitable and nonprofit organizations. See Proposition 4 (1980). Further, Texas bingo regulations permit the playing of bingo with electronic enhancements that allow a player to play 66 bingo cards at one time. In that regard, in Texas there is no limit on the amount of “bingo minders” that a player can purchase, thereby allowing a player to theoretically play an unlimited number of bingo cards during one bingo session. As a result of the change to the Constitution, the Kickapoo Traditional Tribe has been operating a Class II electronic bingo operation since 1996 without challenge from the state.

**MYTH:** The Ysleta del Sur Pueblo and Alabama-Coushatta Tribes of Texas Equal and Fair Opportunity Settlement Act violates principles of federalism.

- **FACT:** This bill ensures these two Tribes are covered by IGRA. When IGRA was enacted in 1988, it was enacted to strike a balance between Tribal Sovereignty and state rights, giving Tribes the right to have Class II gaming (bingo) on their reservations with a Federal oversight if a state permits the playing of bingo by any person, organization or entity. For a Tribe to have Class III gaming (Las Vegas style), the State must agree to such gaming in a Tribal/State gaming compact.

**MYTH:** The courts have also consistently ruled in the State’s favor on this issue in 2002, 2003, 2018, and most recently on March 14, 2019, when the U.S. Court of Appeals for the Fifth Circuit ruled in favor of the State.

- **FACT:** The 2002 and 2003 cases involved Class III, Las Vegas style games. Pursuant to the National Indian Gaming Commission’s 2015 approval of the Tribe’s and Pueblo’s Class II gaming ordinances, the Nations were only authorized to offer Class II electronic bingo. The 2018 and 2019 cases address the questions of whether the NIGC’s approval of the Nations’ Class II gaming ordinances was entitled to deference under *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 468 U.S. 837 (1984), and did not consider whether the Nations can play Class II bingo with electronic enhancements. To the contrary, Courts in 1994, 2003, 2018 and 2019, including the Fifth Circuit, have urged Congress to fix the apparent conflict between the 1987 Ysleta del Sur Pueblo and Alabama-Coushatta Tribe of

Texas Restoration Act and the Indian Gaming Regulatory Act ("IGRA"), and clarify once and for all that the Nations can offer gaming under IGRA.

**MYTH:** Tribal gaming destroys local communities.

- **FACT:** In east Texas, following the opening of Naskila Entertainment in 2016 (the Alabama-Coushatta Class II facility on reservation near Livingston, TX), the local community has witnessed a resurgence. A total of 561 permanent local jobs have been created and a local economic impact of \$139 million being injected into the economy. Only 43% of the new employees come from the Alabama-Coushatta Tribe, with the majority coming from surrounding areas. Beyond the benefits to those directly employed, revenues from Naskila provide funding for improvements on the reservation, such as housing and scholarships, as well as supporting a health clinic, day care center, and retail shops that serve the Tribe and the surrounding community.