

# Indian Gaming and COVID-19

By Jonodev O. Chaudhuri, partner at Quarrels & Brady LLP and former chairman of the National Indian Gaming Commission; from Quarrels & Brady LLP Indian Law and Policy Alert; originally published April 15, 2020

The COVID-19 crisis has wreaked havoc on the Indian Gaming industry as Tribal nations have had to close 100% of their gaming facilities across the United States out of concerns for public health, safety and welfare in the face of this global pandemic.

Tribal governments are voluntarily implementing these closures in coordination with state governors and through Tribal government emergency declarations. This effectively constitutes a shutting down of the 12<sup>th</sup> largest employer in the country.

Prior to the COVID-19 crisis, Indian Gaming constituted a \$39.1 billion industry with approximately 250 Tribal governments across 29 states operating 520 gaming facilities—with the majority of these operations serving as primary employers and economic engines in rural communities nationwide.

The various iterations of the CARES Act provide billions in new funding for medical research and public health programs to combat the spread of the virus,

relief in the form of paid sick, family and medical leave, and free coronavirus testing.

The new law includes \$10 billion of support for Indian Country in emergency appropriations, as well as grants, loans and loan guarantees, for which Indian Tribes and Tribally owned entities are eligible. In some instances, funds will be available to assist Tribes struggling with the ramifications from having to close their gaming facilities.

In other instances, agencies implementing certain provisions of the CARES Act have interpreted the act in a manner that excludes relief for the costs Indian Gaming has endured during this crisis or for the lost revenue Tribal nations have taken on.

Without a tax base to generate governmental revenue, Indian Tribal governments must rely on their Tribal government-owned enterprises, and in particular Indian Gaming, to generate revenue to fund essential government services to Native communities across Indian Country in the form of health care, education, public safety, housing and social services. In fact, federal law mandates that Indian Gaming revenues be used for government purposes.

Because Indian Gaming, through the auspices of IGRA, effectively subsidi-

zies the federal trust responsibility to support Tribal self-determination and Tribal economic development, the federal government has a trust duty and obligation to address resulting loss of gaming revenue in Indian Country as a result of COVID-19.

The CARES Act is a good start, but much work remains to be done to ensure the continued stability of our Tribal

nations. Of course, the implementation of the CARES Act continues to be shaped daily, not only by the enactment of legislation by Congress, but also by the federal agencies that interpret the laws Congress enacts. The below, therefore, will inevitably be updated as developments continue.

Article followed by FAQ, available at <https://www.quarles.com/publications/indian-gaming-and-covid-19/>.

## AT-HOME LEARNING SUPPORTS

Selected Resources to Keep Kids Healthy, Entertained, and Learning during School Closures

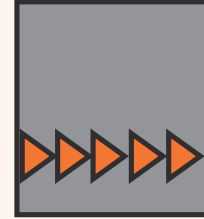
Follow the Links Below to Free Digital Resources:



Support and Encouragement for Native Youth



Daily Lessons and Activities



Indigenous Lesson Plans and Curriculum



Art and Science

### Support and Encouragement for Native Youth



[Native Wellness Institute:](#)

Check out Power Hour—a daily livestream of encouragement, humor, storytelling, and supportive messages from indigenous elders, youth leaders, and teachers from across the nation

[Think Indigenous:](#)

Video lessons, encouragement, and support for Native kids from Native teachers

### Daily Lessons and Activities



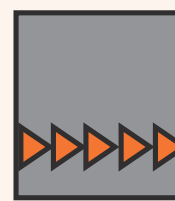
[Scholastic Learn at Home:](#)

Large library of on-line lessons and activities now free during school closure. Look for special daily interactive lessons designed for students and families while schools are closed

[PBS Emergency Closure Curriculum:](#)

Video lessons and activities for students in all grades. Includes daily video lessons and curriculum during school closure

### Indigenous Lesson Plans and Curriculum



[Native Knowledge 360°:](#)

Large catalogue of lesson plans and resources for grades K-12 from the Smithsonian Institution

[Siletz Tribal Language Project:](#)

Dee-ni language and culture lessons for grades Pre K-8

[Siletz Tribal Estuary Curriculum:](#)

Sixth grade ecology curriculum focused on the importance of estuaries and wetlands to the environment and Siletz people

[Honoring Tribal Legacies:](#)

Selected digital teaching resources and lessons plans for grades K-12 from the University of Oregon

### Art and Science



[Mystery Science:](#)

Video science lessons and activities designed for elementary students, free during school shutdown

[What's Good in My Hood:](#)

Workbook of outdoor-based nature lessons and observation activities for K-5 students

[Coloring Sheets from Native Artists and Organizations:](#)

[Alaska Native Artist Nasuqraq Rainey Hopson](#)

[Native Wellness Institute Coloring Book](#)

[Generation Indigenous](#)

### For Additional Resources and Support:

- Visit your local school/school district's website
- Email your student's teacher for log-in information for classroom learning tools
- Check out the [Siletz Community Health Facebook Page](#)
- Contact your local CTSI education specialist

DO ✓

Enjoy the outdoor areas of your home.

Enjoy physical activities solo or with members of your household (e.g. walking, biking).

Have a virtual picnic with friends.

Open doors and windows to get fresh air.

Get things done at home (e.g. gardening, car washing).

DON'T ✗

Don't participate in group sports.

Don't visit crowded or closed parks.

Don't attend social gatherings.

Don't go out if you're sick.

Don't travel.

REMEMBER: Keep a safe physical distance of at least six feet from people you do not live with and wash your hands regularly.

KEEP YOUR DISTANCE, DO YOUR PART

**From the Northwest Portland Area Indian Health Board:** We need you here, we need you to stay healthy. These call-in and text lines have people answering who are highly qualified to talk and provide the best recommendations for one's **mental health** concerns.

- For Emotional Distress assistance, not related to suicidality, please call the Disaster Distress Helpline at 1-800-985-5990 or text "Talkwithus" to 66746.
- For concerns with suicide, please call the Suicide Prevention Lifeline at 1-800-273-8255
- Text "TALK" to 741741 to connect with the Crisis Textline
- For Two Spirit LGBTQ+ crises call The Trevor Project at 1-866-488-7386, or text START to 678678, or check out [www.TheTrevorProject.org](http://www.TheTrevorProject.org)
- County Crisis Lines or 2-11 in some areas
- We R Native [www.wernative.org](http://www.wernative.org)
- National Suicide Prevention Lifeline Emotional Wellbeing During the COVID-19 Outbreak webpage: <https://suicidepreventionlifeline.org/current-events/supporting-your-emotional-well-being-during-the-covid-19-outbreak/>
- CDC's Managing Anxiety and Stress during COVID-19 webpage: <https://www.cdc.gov/coronavirus/2019-ncov/prepare/managing-stress-anxiety.html>