



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

AUG 16 2021

The Honorable Tehassi Tasi Hill
Chairman, Oneida Nation
N7210 Seminary Road
Oneida, Wisconsin 54155

Dear Chairman Hill,

On July 2, 2021, the Oneida Nation and the State of Wisconsin submitted the Third Amendment to the Oneida Nation and the State of Wisconsin Gaming Compact of 1991 (Amendment), providing for the regulation of class III gaming activities by the Tribe.

We completed our review of the Amendment and conclude that it does not violate the Indian Gaming Regulatory Act (IGRA), any other provision of Federal law that does not relate to jurisdiction over gaming on Indian lands, or the trust obligations of the United States to Indians. 25 U.S.C. § 2710(d)(8)(B). The Amendment permits the Nation to offer event wagering and includes other technical amendments. Therefore, pursuant to my delegated authority and Section 11 of IGRA, I approve the Amendment. 25 U.S.C. § 2710(d)(8)(A). The Amendment takes effect when the notice of this approval is published in the *Federal Register*. 25 U.S.C. § 2710(d)(3)(B).

A similar letter is being sent to the Honorable Tony Evers, Governor, State of Washington.

Sincerely,

Bryan Newland
Principal Deputy Assistant Secretary - Indian Affairs

Enclosure

**THIRD AMENDMENT TO THE ONEIDA NATION
AND STATE OF WISCONSIN
GAMING COMPACT OF 1991**

This Agreement ("Agreement") is entered into by and between the Oneida Nation, a sovereign Indian Nation, (the "Nation") and the State of Wisconsin (the "State") (collectively, the "parties"), and shall become effective immediately upon execution by the parties and approval by the United States Department of the Interior.

WHEREAS, Section XXX of the Oneida Nation and the State of Wisconsin Gaming Compact of 1991 (the "Compact") provides that it may be amended upon the written agreement of both parties; and

WHEREAS, the parties amended the Compact on May 8, 1998 and again on April 25, 2003; and

WHEREAS, the parties believe that it is in their mutual interests to amend the Compact in accordance with the terms and conditions set forth in this Agreement.

NOW THEREFORE, in consideration of the mutual promises set forth herein, the parties do hereby agree to amend the Compact as set forth below:

1. Section III(H) is amended to delete the words "Tribe or", and throughout the Compact all references to "Oneida Tribe of Indians of Wisconsin" are deleted and replaced with "Oneida Nation", and all references to "Tribe" (except as used in the phrases "Indian Tribe", "Wisconsin Indian Tribe", "compacting Tribe", and "tribe" or "tribes" with a lower case "t") are deleted and replaced with "Nation".
2. Article III is amended by adding the following section:
 - K. "Third Amendment" means the Amendments to the Oneida Nation and State of Wisconsin Gaming Compact of 1991 executed on July 1, 2021.
3. Subsection IV(A)(12) is deleted in its entirety and replaced with the following:
 12. Event wagering. "Event wagering" means accepting wagers on the outcomes of, and occurrences within, sports and non-sports games, competitions, and matches, but shall not include parimutuel wagering on horse, harness, or dog racing events;
4. Section IV(A) is amended by adding the following subsection:
 13. Any other game involving prize, chance, and consideration that is played on tables or electronic or mechanical devices.

5. Section VII(A) is amended by adding the following subsections:
 6. Event wagering services and goods contracts, including but not limited to agreements for event wagering systems, event wagering risk management services, betting line services, and hardware and software used for purposes of placing event wagers.
 7. Contracts for geolocation, geotracking, or geofencing services for purposes of tracking the location of customers using remote wagering devices.
6. Articles XVIII through XXX are renumbered as Articles XIX through XXXI respectively.
7. A new Article XVIII is created to read as follows:

XVIII. EVENTWAGERING.

- A. Event wagers placed using remote wagering devices shall be placed only from locations permitted by the Nation's minimum internal control standards governing event wagering.
- B. Event wagers shall be placed only on permitted events as set forth in the Nation's minimum internal control standards governing event wagering.
- C. If the State legalizes event wagering on an event or events not included as permitted events in the Nation's minimum internal control standards, the Nation's minimum internal control standards shall be deemed to include such event or events as permitted events and the Nation may, upon written notice to the State, offer event wagering pursuant to the Compact on such event or events. Promptly thereafter the Nation and the State shall negotiate in good faith to amend the Nation's minimum internal control standards to reflect the addition of the new event or events.
- D. If the State legalizes event wagering which allows a customer located outside of land owned by a Wisconsin Indian Tribe or held in trust by the federal government for the benefit of a Wisconsin Indian Tribe to place an event wager through the use of a remote wagering device, upon written notice to the State the Nation's minimum internal control standards shall be deemed to allow a customer to place event wagers using a remote wagering device located within Tribal lands as defined in Section III(G) above. Promptly thereafter the Nation and the State

shall negotiate in good faith to amend the Nation's minimum internal control standards to reflect the change.

- E. If the State enters a Tribal-State gaming compact or gaming compact amendment with another Wisconsin Indian Tribe, or agrees to minimum internal control standards with another Wisconsin Indian Tribe, which allow event wagering on an event or events not included as permitted events in the Nation's minimum internal control standards, or if the Secretary of the United States Department of the Interior prescribes procedures for another Wisconsin Indian Tribe pursuant to section 11((d)(7)(B)(vii) of the Act which allow event wagering on an event or events not included as permitted events in the Nation's minimum internal control standards, the Nation's minimum internal control standards shall be deemed to include such event or events as permitted events and the Nation may, upon written notice to the State, offer event wagering on such event or events. Promptly thereafter the Nation and the State shall negotiate in good faith to amend the Nation's minimum internal control standards to reflect the addition of the new event or events.
- F. If the State enters a Tribal-State gaming compact or gaming compact amendment with another Wisconsin Indian Tribe, or agrees to minimum internal control standards with another Wisconsin Indian Tribe, which allow event wagering through the use of remote wagering devices under terms more favorable than those set forth in the Nation's minimum internal control standards, including but not limited to permitted locations, or if the Secretary of the United States Department of the Interior prescribes procedures for another Wisconsin Indian Tribe pursuant to section 11((d)(7)(B)(vii) of the Act which allow event wagering through the use of remote wagering devices under terms more favorable than those set forth in the Nation's minimum internal control standards, including but not limited to permitted locations, upon written notice to the State the Nation's minimum internal control standards shall be deemed to include such more favorable terms and the Nation may conduct event wagering through the use of mobile wagering devices under such more favorable terms. Promptly thereafter the Nation and the State shall negotiate in good faith to amend the Nation's minimum internal control standards to reflect the change.
- G. If the State enters a Tribal-State gaming compact or compact amendment with another Wisconsin Indian Tribe, or enters an agreement with another Wisconsin Indian Tribe, or agrees to minimum internal control standards with another Wisconsin Indian Tribe, which provide for a different procedure or procedures than set forth in the Nation's minimum internal control standards for adding permitted events for event wagering, upon notice to the State the Nation's minimum internal control standards shall be deemed to include such different procedure or procedures and shall replace the existing procedure or procedures in

the minimum internal control standards. Promptly thereafter the Nation and the State shall negotiate in good faith to amend the Nation's minimum internal control standards to reflect the change.

- H. Promptly, but no later than ten (10) business days after entering a Tribal-State compact or compact amendment with another Wisconsin Indian Tribe, or entering an agreement with another Wisconsin Indian Tribe, or agreeing to minimum internal control standards with another Wisconsin Indian Tribe, which address permitted events for event wagering and/or permitted locations for remote wagering and/or procedures for adding permitted events for event wagering, the State shall provide written notice to the Nation together with a copy of such compact, compact amendment, agreement, and/or minimum internal control standards.
- I. Both the Nation and the State have legitimate interests in protecting the integrity of events subject to event wagering.

8. Subsection XIX(B)(1) (formerly XVIII(B)(1)) is amended to replace the reference to "par. B.2. and sec. XXIII" with "subsection (B)(2) and Article XXIV".

9. Section XXI(B) (formerly XX(B)) is amended to replace the reference to "section XXII" with "Article XXIII".

10. Section XXI(C) (formerly XX(C)) is amended to replace the reference to "section XXII" with "Article XXIII".

11. Section XXIII(A) (formerly Section XXII(A)), is amended to read as follows:

Negotiation. If either the Nation or the State believes the other has failed to comply with the requirements of this Compact or the minimum internal control standards, or if a dispute arises over the proper interpretation of any provision of this Compact or any provision of the minimum internal control standards, then either may initiate negotiation by serving a written notice on the other identifying the specific provision or provisions of the Compact or minimum internal control standards in dispute and specifying in detail the factual basis for any alleged non-compliance or the interpretation of the provision of the Compact or minimum internal control standards. Within twenty (20) days of service of such notice, representatives designated by the Governor of Wisconsin and the Chairperson of the Nation shall meet in an effort to resolve the dispute through negotiation.

12. Section XXIII(B) (formerly Section XXII(B)), is amended to read as follows:

Mediation. If either the Nation or the State believes the other has failed to comply with the requirements set forth in this Compact or in the minimum internal control

standards, or if there is a dispute over the proper interpretation of any provision of this Compact or any provision of the minimum internal control standards, the Nation and the State may agree in writing to settle the dispute by non-binding mediation.

13. The first paragraph of Section XXIII(C) (formerly Section XXII(C)), is amended to read as follows:

Arbitration. Arbitration pursuant to this Section shall be the sole mechanism for resolving disputes arising under Articles V, VII, VIII, IX, XI, XII, XIII, XIV, XX, and XXXI of this Compact, unless the Nation and the State agree in writing to another form of dispute resolution. Disputes arising under Articles IV, XXIV, and XXXII of this Compact shall not be subject to arbitration, except for disputes regarding claims for monies owed by the State to the Nation under Article XXXII which shall be subject to arbitration upon written demand for arbitration by the Nation. Proposed amendments to this Compact shall not be subject to arbitration.

14. Section XXIV(A) (formerly XXIII(A)) is amended to replace the reference to "Section XIX(B)" with "Section XX(B)".

15. Subsection XXIV(B)(3) (formerly XXIII(B)(3)) is amended to replace the references to "Subsection XXII(C)(8)" with "Subsection XXIII(C)(8)".

16. Subsection XXXI(B)(1) (formerly XXX(B)(1)) is amended to replace the reference to "Article XXII" with "Article XXIII".

17. Subsection XXXI(B)(2) (formerly XXX(B)(2)) is amended to replace the reference to "Article XXII" with "Article XXIII".

18. Section XXXIV(A) is amended as follows:

- a. Replace the reference to "Sections XXV(B) and (C)" with "Sections XXVI(B) and (C)";
- b. Replace the reference to "Articles XXV(B) and XXXII(A)" with "Sections XXVI(B) and XXXII(A)"; and
- c. Replace the reference to "Article XXII" with "Article XXIII".

19. Section XXXIV(B) is amended as follows:

- a. Replace the reference to "Section XXV(B)" with "Section XXVI(B)"; and
- b. Replace the reference to "Article XXII" with "Article XXIII".

20. Section XXXIV(C) is amended to replace the reference to "Section XXV(B)" with "Section XXVI(B)".

21. Section XXXV(E) is deleted in its entirety and replaced with the following:

E. Amendment.

1. Amendments to minimum internal control standards not relating to event wagering or remote wagering shall be made pursuant to the procedure set forth in this paragraph. The Nation shall submit a copy of any amendments to the rules of play or minimum internal control standards to the Department within fourteen (14) days of adoption. Within thirty (30) days of receipt of such amendment, the Department shall submit any objection it may have to such amendment to the Nation by serving a written notice of objection on the Nation. All such objections shall be based upon the criteria set forth in Subsection (D)(3) above, and the notice of objection shall state with specificity the reasons therefor with reference to such criteria. The Nation may continue to utilize any amended rule or standard subject to objection by the Department while the procedures set forth in Section (D) above are completed. The State may propose new areas to be subject to the minimum internal control standards. Such proposals shall include a written justification for the new minimum internal control standards and a draft of the proposed minimum internal control standards which address the issues raised in the statement of justification. Such proposals shall be subject to the provisions of this Article, including the timeframes for response and consultation pursuant to Section (C), and the arbitration procedures pursuant to Section (D).
2. Except as otherwise provided in Article XVIII, amendments to minimum internal control standards relating to event wagering or remote wagering shall be made only by mutual agreement of the parties. The Nation may propose amendments to the Nation's minimum internal control standards governing event wagering and/or remote wagering at any time. The Nation and the State shall enter into good faith negotiations regarding such proposed amendments within thirty (30) days of the State's receipt of the proposed amendments, except that the State shall have no obligation to negotiate regarding proposed amendments to minimum internal controls governing events occurring in Wisconsin or involving Wisconsin teams that do not occur on land owned by the Nation or held in trust for the Nation by the federal government. Disputes regarding the obligation to negotiate in good faith under this provision may be resolved under the provisions of Article XXIV (formerly Article XXIII).

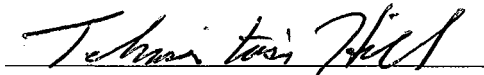
22. Section XXXVI(B) is deleted in its entirety and replaced with the following:

B. The Nation shall submit the following to the Department on a monthly basis, in an electronic format determined in the reasonable discretion of the Nation, not later than fourteen (14) days after the conclusion of each calendar month:

1. Daily revenue information for table games: type of table game, table number, shift, opening inventory, fills, credits, adjustments, closing inventory, drop, and win/loss; and
2. Daily revenue information for event wagering: the total amount of all wagers received less voided or canceled wagers and amounts paid out for winning wagers and the total amount of the write on events or games that occur during the month or will occur in subsequent months, less gaming payouts.

ONEIDA NATION

STATE OF WISCONSIN



Tehassi Tasi Hill

Chairman

Date: 7-1-2021



Anthony S. Evers

Governor

Date: 7/1/2021

Consistent with 25 U.S.C.A. Sec. 2710(d)(8), the Third Amendment to the Oneida Nation and State of Wisconsin Gaming Compact of 1991, dated _____ 2021, is hereby approved on this ___ day of _____, 2021, by the Assistant Secretary-Indian Affairs, United States Department of the Interior.

UNITED STATES DEPARTMENT OF THE INTERIOR
