

SEPTEMBER 13, 2018

**STATEMENT OF JO ANN BATTISE, TRIBAL COUNCIL CHAIRPERSON,
ALABAMA-COUSHATTA TRIBE OF TEXAS**

**LEGISLATIVE HEARING ON H.R. 4985, THE YSLETA DEL SUR PUEBLO AND
ALABAMA-COUSHATTA TRIBE OF TEXAS EQUAL AND FAIR OPPORTUNITY
SETTLEMENT ACT**

Chairman LaMalfa, Ranking Member Gallego and members of the committee, my name is Jo Ann Battise. I am the tribal council chairperson of the Alabama-Coushatta Tribe of Texas.

Thank you for the opportunity to testify this afternoon on H.R. 4985, the Ysleta del Sur Pueblo and Alabama-Coushatta Tribe of Texas Equal and Fair Opportunity Settlement Act. Simply stated, H.R. 4985 levels the playing field and allows our Tribe and the Pueblo to offer Class II electronic bingo pursuant to the Indian Gaming Regulatory Act, just like the Traditional Kickapoo Tribe of Texas, the only other federally recognized Indian tribe in Texas; a tribe that has offered Class II electronic bingo in Texas since 1996. But H.R. 4985 does so much more than that.

To begin with, passage of H.R. 4985 will assure that our Tribe's Naskila electronic bingo facility will continue to provide jobs and economic growth for not only our Tribe, but for all Deep East Texas. In 2015, the National Indian Gaming Commission found that our Tribe and the Pueblo are permitted to offer Class II electronic bingo under the Indian Gaming Regulatory Act. Thereafter, our Tribe negotiated an agreement with the Texas Attorney General that allowed our Tribe to open and operate Naskila while the Tribe and Texas litigated whether the decision of the National Indian Gaming Commission is entitled to deference.

The economy of Deep East Texas is stressed and the positive impact of Naskila has been transformative. Our Tribe and Naskila is now the third largest employer in Polk County, only behind Georgia Pacific and the Texas Department of Criminal Justice. Specifically, Naskila Gaming employs over 346 individuals and spends \$16.8 million in total annual salaries and benefits. Seventy percent of Naskila employees are non-tribal members, living throughout Deep East Texas. Naskila's minimum wage is \$10.00 per hour, \$2.75 more than the minimum wage established in Texas. Finally, Naskila employees are eligible for a 401k retirement plan and receive full health insurance coverage for themselves and their families. In fact, for some Naskila employees, this is the first time in their life they have had health insurance.

In addition, to providing well-paying jobs that allow Naskila employees the ability to support provide for their families, Naskila has spent over \$86.3 million in capital and operating expenses since it opened its doors in May 2016. \$50.4 million of said expenses were spent in Texas, with \$39.1 million spent in Polk and Tyler Counties, the two counties where our Tribe's Reservation lands are found. Naskila estimates spending more than \$50 million for operating expenses and capital, including salaries and benefits in 2019.

The economic impact of Naskila was recently examined in an independent economic study commissioned by the Texas Forest Country Partnership, a regional economic development organization committed to coordinating economic development-related activities in Deep East Texas. According to that independent study, ninety-five percent of Naskila's customers hail from outside of Polk County. These visitors help Naskila inject more than \$100 million annually into the local economy. Moreover, the economic impact study found that the \$100 million that Naskila has infused into the local economy is responsible for the creation of an additional 215 new jobs within Polk County above and beyond the 346 individuals employed by Naskila. In other words, because of Naskila there are 561 new jobs in Polk County, jobs that simply would not exist but for Naskila and the \$100 million that Naskila spends annually in Polk County. It goes without saying that strong economies are built on a foundation of employment and allowing Naskila to remain open will help ensure that the economy of our region can look forward to growth based on sustainable and well-paying jobs.

Our Tribe has a long and storied history of providing support to Texas, including rendering assistance to General Sam Houston's army during the Runaway Scrape and the ultimate defeat of Santa Anna and the Mexican Army at San Jacinto, and Naskila allows our Tribe to continue its tradition of neighborliness. Following Hurricane Harvey and the devastation it visited on Southeast Texas, our Tribe immediately contributed \$500,000.00 to the 11 Texas counties hardest hit by Harvey and its aftermath. Our Tribe also reached out to Naskila's vendors and secured additional funds for ongoing Harvey relief efforts.

The support in Texas for Naskila is broad and deep. Not only have 17 members of Congress, including one-third of the Texas delegation, agreed to co-sponsor H.R. 4985, but the County Judges and Commissioners in both Polk and Tyler Counties have also passed resolutions in support of H.R. 4985. Likewise, the Deep East Texas Council of Governments, the Texas Forest Country Partnership, the Polk County Chamber of Commerce and the Tyler County Chamber of Commerce have passed resolutions asking that H.R. 4985 be enacted. Moreover, The National Congress of American Indians and the United South and Eastern Tribes organizations have passed resolutions supporting our Tribe's fight to keep Naskila open. Our Tribe recently spent \$1.6 million to purchase manufactured homes to meet Tribal housing needs, and I am certain that if asked the two Texas businesses from whom we purchased the homes would also like to see H.R. 4985 become law. As the old adage provides, a rising tide lifts all boats. Here, Naskila is lifting boats throughout Deep East Texas.

The need for H.R. 4985 is occasioned by a 1994 court decision that found that our Tribe and Pueblo fall outside the scope of the Indian Gaming Regulatory Act. In reaching this conclusion, the court ignored the floor statement of the Chairman of the Natural Resources Committee and father of the Indian Gaming Regulatory Act, the late Morris Udall, that the act of Congress that restored the federal recognition of both our Tribe and the Pueblo preserved for the Tribe and Pueblo the rights of tribes to offer gaming recognized by the United States Supreme Court in *California v. Cabazon*, rights which form the foundation on which the Indian Gaming Regulatory Act is based. That 1994 court decision has visited on the Tribe, Pueblo and Texas over twenty-years of litigation; litigation that continues as I speak and has cost all three governments millions of dollars. I suggest that it is time to honor the will of Congress when it

passed our Restoration Act in 1987 and to clarify that the Tribe and Pueblo are free to game under the Indian Gaming Regulatory Act.

In closing, my husband, Arnold Battise, testified before Congress in 1986 and asked Congress to pass an act to restore our federal recognition, thereby ensuring that our Tribe would continue as a sovereign nation. In 1987, Congress restored the federal recognition of both our Tribe and the Pueblo. It is not lost on me that over thirty-years later I am now asking Congress to act again, but this time not only to aid our Tribe but to benefit all Deep East Texas.

Thank you, Chairman LaMalfa, Ranking Member Gallego and members of the committee. I am happy to answer any questions.