



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

OFFICE OF INDIAN GAMING

Bulletin 2021-1

November 29, 2021

Subject: Revenue Allocation Plans – Reduction or Suspension of Per Capita Payments

Under President Biden’s directive and in furtherance of the Department of the Interior’s (Department) commitment to renew, strengthen, and repair the government-to-government relationship between the United States and Indian Tribes, we are posting this Bulletin to provide guidance on a Tribe’s authority to reduce or suspend distribution of individual per capita payments.

The reduction in net gaming revenue to Tribes during the pandemic, may require the reduction or suspension of individual per capita payments under the Tribe’s Revenue Allocation Plan (RAP). The Indian Gaming Regulatory Act (IGRA) and our regulations at 25 C.F.R. Part 290 require the Tribe adequately fund tribal government operations and programs or economic development before distributing per capita payments.

The IGRA intends that Tribes have the sole proprietary interest and responsibility for the conduct of any gaming activity, and that net revenues from any tribal gaming are not to be used for purposes other than:

- (i) to fund tribal government operations or programs;
- (ii) to provide for the general welfare of the Indian tribe and its members;
- (iii) to promote tribal economic development;
- (iv) to donate to charitable organizations;
- (v) or to help fund operations of local governmental agencies;

25 U.S.C. 2710(b)(2)(A)(B).

Additionally, per capita payments to individual tribal members may be made **only if** among other things, the Tribe ensures that it can adequately fund tribal government operations and tribal programs or to promote economic development. 25 U.S.C. 2710(b)(3)(A)(B).

Please be advised, because of this requirement, that reduction or suspension of per capita payments to individual Tribal members – if necessary to ensure adequate funding for tribal governmental operations and programs, or economic development – is consistent with IGRA and does not require a Tribe to amend its current RAP.

The COVID-19 Pandemic has had a crippling and devastating effect on tribal gaming revenues. Tribal gaming serves as a major source of revenue to support tribal governments, programs, economic development, and tribal citizen’s general wellbeing. Therefore, we put forward this guidance to support tribes through this process.

If you have additional questions please contact Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Principal Deputy Assistant Secretary, Washington, DC 20240, paula.hart@bia.gov, (202) 219-4066.