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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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YSLETA DEL SUR PUEBLO ET AL. *v.* TEXAS

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 20–493. Argued February 22, 2022—Decided June 15, 2022

This case represents the latest conflict between Texas gaming officials and the Ysleta del Sur Pueblo Indian Tribe. In 1968, Congress recognized the Ysleta del Sur Pueblo as an Indian tribe and assigned its trust responsibilities for the Tribe to Texas. 82 Stat. 93. In 1983, Texas renounced its trust responsibilities as inconsistent with the State's Constitution. The State also expressed opposition to any new federal trust legislation that did not permit the State to apply its own gaming laws on tribal lands. Congress restored the Tribe's federal trust status in 1987 when it adopted the Ysleta del Sur and Alabama and Coushatta Indian Tribes of Texas Restoration Act. 101 Stat. 666. The Restoration Act also "prohibited" as a matter of federal law "[a]ll gaming activities which are prohibited by the laws of the State of Texas." *Id.*, at 668. Shortly thereafter, Congress adopted its own comprehensive Indian gaming legislation: the Indian Gaming Regulatory Act (IGRA). IGRA established rules for separate classes of games. As relevant here, IGRA permitted Tribes to offer so-called class II games—like bingo—in States that "permi[t] such gaming for any purpose by any person, organization or entity." 25 U. S. C. §2710(b)(1)(A). IGRA allowed Tribes to offer class III games—like blackjack and baccarat—but only pursuant to negotiated tribal/state compacts. §2703(8).

Pursuant to IGRA, the Tribe sought to negotiate a compact with Texas to offer class III games. Texas refused, arguing that the Restoration Act displaced IGRA and required the Tribe to follow all of the State's gaming laws on tribal lands. In subsequent federal litigation, the District Court held that Texas violated IGRA by failing to negotiate in good faith. The Fifth Circuit reversed, holding that the Resto-

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ration Act's directions superseded IGRA's and guaranteed that the entirety of "Texas' gaming laws and regulations" would "operate as surrogate federal law on the Tribe's reservation." 36 F. 3d 1325, 1326, 1334 (*Ysleta I*). In 2016, the Tribe began to offer bingo, including "electronic bingo" machines, on the view that IGRA treats bingo as a class II game for which no state permission is required so long as the State permits the game to be played on some terms by some persons. The State then sought to shut down all of the Tribe's bingo operations. Bound by *Ysleta I,* the District Court sided with Texas and enjoined the Tribe's bingo operations, but the court stayed the injunction pending appeal. The Fifth Circuit reaffirmed *Ysleta I* and held that the Tribe's bingo operations were impermissible because they did not conform to Texas's bingo regulations.

Held: The Restoration Act bans as a matter of federal law on tribal lands only those gaming activities also banned in Texas. Pp. 8–20.

(a) Section 107 of the Restoration Act directly addresses gaming on the lands of the Ysleta del Sur Pueblo. It provides in subsection (a) that "gaming activities which are prohibited by [Texas law] are hereby prohibited on the reservation and on lands of the tribe." Subsection (b) insists that the statute does not grant Texas "civil or criminal regulatory jurisdiction" with respect to matters covered by §107. The State reads the Act as effectively subjecting the Tribe to the entire body of Texas gaming laws and regulations. The Tribe, however, understands the Act to bar it from offering only those gaming activities the State fully prohibits, and that if Texas merely regulates bingo, the Tribe may also offer that game subject only to federal-law, not state-law, limitations.

The language of §107—particularly its dichotomy between prohibition and regulation—presents Texas with a problem. Texas concedes that its laws do not "forbid," "prevent," "effectively stop," or "make impossible" bingo operations in the State. Webster's Third International Dictionary 1813 (defining "prohibit"). Instead, the State admits that it allows the game "according to rule[s]" that "fix the time," place, and manner in which it may be conducted. *Id.*, at 1913 (defining "regulate"). From this alone, Texas's bingo laws appear to fall on the regulatory rather than prohibitory side of the line. In response, Texas describes its laws as "prohibiting" bingo *unless* the State's regulations are followed and insists that it is merely seeking to do what subsection (a) allows.

Texas's understanding of the word "prohibit" would risk turning the Restoration Act's terms into an indeterminate mess. In Texas's view, laws regulating gaming activities *become* laws prohibiting gaming activities—an interpretation that violates the rule against "ascribing to one word a meaning so broad" that it assumes the same meaning as

another statutory term. *Gustafson* v. *Alloyd Co.,* 513 U. S. 561, 575. Indeterminacy aside, the State's interpretation would leave subsection (b)—denying the State regulatory jurisdiction—with no work to perform. As a result, Texas's interpretation also defies another canon of statutory construction—the rule that courts must normally seek to construe Congress's work "so that effect is given to all provisions." *Corley* v. *United States,* 556 U. S. 303, 314 (internal quotation marks omitted). Seeking to give subsection (b) real work to perform, Texas submits that the provision serves to deny its state courts and gaming commission "jurisdiction" to punish violations of subsection (a) by sending such disputes to federal court instead. But that interpretation only serves to render subsection (c), which grants federal courts "exclusive" jurisdiction over subsection (a) violations, a nullity. A full look at the statute's structure suggests a set of simple and coherent commands; Texas's competing interpretation renders individual statutory terms duplicative and leaves whole provisions without work to perform. Pp. 8–12.

(b) Important contextual clues resolve any remaining questions. Congress passed the Restoration Act six months after this Court handed down its decision in *California* v. *Cabazon Band of Mission Indians,* 480 U. S. 202. There, the Court interpreted Public Law 280—a statute Congress had adopted in 1953 to allow a handful of States to enforce some of their criminal laws on certain tribal lands—to mean that only "prohibitory" state gaming laws could be applied on the Indian lands in question, not state "regulatory" gaming laws. The *Cabazon* Court held that California's bingo laws—materially identical to Texas's laws here—fell on the regulatory side of the ledger. This Court generally assumes that, when Congress enacts statutes, it is aware of this Court's relevant precedents. *Ryan* v. *Valencia Gonzales,* 568 U. S. 57, 66. At the time Congress adopted the Restoration Act, *Cabazon* was not only *a* relevant precedent; it was *the* precedent. In *Cabazon*'s immediate aftermath, Congress also adopted other laws governing tribal gaming that appeared to reference and employ in different ways *Cabazon*'s distinction between prohibition and regulation. See, *e.g.*, Wampanoag Tribal Council of Gay Head, Inc., Indian Claims Settlement Act of 1987, §9, 101 Stat. 709–710.

None of this is to say that the Tribe may offer gaming on whatever terms it wishes. The Restoration Act provides that a gaming activity prohibited by Texas law is also prohibited on tribal land as a matter of federal law. Other gaming activities are subject to tribal regulation and must conform to the terms and conditions set forth in federal law, including IGRA to the extent applicable. Pp. 12–15.

(c) The State's remaining arguments are unavailing. Pp. 15–19.

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(1) Texas asks the Court to focus on subsection (a) of the Restoration Act, which ends with the statement that "[t]he provisions of this subsection are enacted in accordance with the tribe's request in Tribal Resolution No. T. C.–02–86." 101 Stat. 668–669. In that referenced resolution, the Tribe announced its opposition to Texas's legislative efforts to have its gaming laws apply on tribal lands. At the same time, the Tribe also announced its own intention to prohibit gaming on its reservation and authorized the acceptance of federal legislation prohibiting gaming on tribal lands. Texas claims that the reference to the tribal resolution suggests the Restoration Act should be read "broadly" to allow Texas to apply its gaming regulations on tribal lands. As an initial matter, subsection (a) does not purport to incorporate that resolution into federal law—something Congress knows how to do when it wishes, see *e.g.*, 25 U. S. C. §5396(b). In addition, Texas's "broad" reading suffers from the same interpretative challenges already mentioned and defies Congress's apparent adoption of *Cabazon*'s prohibitory/regulatory distinction. Finally, on this Court's interpretation of the Restoration Act, Congress *did* legislate "in accordance with" the Tribe's resolution by expressly granting the Tribe federal recognition and choosing not to apply Texas gaming regulations as surrogate federal law on tribal land. Pp. 15–18.

(2) Texas appeals to public policy and argues that attempts to distinguish between prohibition and regulation are sure to prove "unworkable." It is not, however, this Court's place to question whether Congress adopted the wisest or most workable policy. That the Restoration Act's prohibitory/regulatory distinction can and will generate borderline cases hardly makes it unique among federal statutes. And courts have applied the same prohibitory/regulatory framework for decades under Public Law 280. Moreover, Texas's alternative interpretation poses its own "workability" challenges, as federal courts would be charged with enforcing the minutiae of state gaming regulations governing the conduct of permissible games. Pp. 18–19.

955 F. 3d 408, vacated and remanded.

GORSUCH, J., delivered the opinion of the Court, in which BREYER, SOTOMAYOR, KAGAN, and BARRETT, JJ., joined. ROBERTS, C. J., filed a dissenting opinion, in which THOMAS, ALITO, and KAVANAUGH, JJ., joined.