

July 16, 2025

The Honorable John Boozman
Chairman, Senate Committee on
Agriculture, Nutrition and Forestry
328A Russell Senate Office Building
Washington, DC, 20510

The Honorable Amy Klobuchar
Ranking Member, Senate Committee on
Agriculture, Nutrition and Forestry
328A Russell Senate Office Building
Washington, DC, 20510

Dear Chairman Boozman and Ranking Member Klobuchar,

We write today with concerns regarding the nomination of Brian Quintenz to Chair the Commodity Futures Trading Commission (CFTC). During his confirmation hearing before the Committee on June 10, Mr. Quintenz failed to provide meaningful clarity on the controversial issue of sports event contracts in response to questions by members of the Committee. We respectfully request that the Committee require the nominee to fully address the concerns raised at the hearing and commit to upholding and enforcing applicable CFTC regulations before moving forward with his nomination.

As you know, starting in December of 2024, several CFTC registered prediction platforms have self-certified futures contracts on sporting events. These platforms have expanded their offerings in contravention of the CFTC's own regulations – adopted pursuant to the Commodity Exchange Act (CEA) – which prohibit event contracts regarding terrorism, assassination, war, gaming, or an activity that is unlawful under any State or Federal law.¹

Numerous states, sovereign Indian tribes, sports leagues, responsible gaming advocates and gaming industry stakeholders have conveyed their strong concerns to the CFTC about these contracts. The vast majority believe sports event contracts are tantamount to sports wagering and, therefore, constitute gaming. Many also argue that these contracts violate laws in several states and federal statutes – including the Indian Gaming Regulatory Act, the Wire Act and others. The CFTC has not executed a review of these contracts or taken any action despite existing regulations requiring the agency to prohibit any contracts that fall under the enumerated categories.

At the hearing Mr. Quintenz indicated he would follow his own interpretation of the CEA with regard to event contracts, side-stepped the applicability of current regulatory prohibitions, and would not commit to reviewing sports event contracts. Since the hearing, even more questions have been raised about the legality of these contracts. In a case pending before the Federal Third Circuit Court of Appeals, 34 state Attorneys General plus those from the District of Columbia and the Northern Mariana Islands, signed a brief arguing that the CEA does not preempt their state authority to regulate gaming. Moreover, this bipartisan, regionally diverse group of signatories corresponds with 14 home states of members of this Committee including the Chair and Ranking Member. Supporting amicus briefs were also filed by the gaming industry and tribal organizations.

The lack of action by the CFTC means prediction platforms will continue to offer these sports contracts without the important regulatory guardrails provided by state and tribal regulated sports betting. Instead of using his confirmation hearing to provide clarity on this issue, Mr. Quintenz implied that if he is

¹ See 17 CFR Section 40.11.

confirmed the CFTC will continue to do nothing to address gaming contracts. It should be deeply troubling to this Committee that he offered no assurances that the CFTC under his leadership would enforce its own regulations. This is even more concerning based on the fact that Mr. Quintenz is poised to not only become the CFTC Chair but could also be the sole commissioner based on current vacancies and planned departures. With no requirement for a quorum, it is imperative that the Chair enforce the rules. Therefore, we urge the Committee not to advance Mr. Quintenz's nomination until he has committed to initiate a CFTC review of these contracts if he is confirmed. We appreciate the Committee's attention and its dedication to upholding the mission of the CFTC.

Sincerely,

National Organizations

American Gaming Association (AGA)
Indian Gaming Association (IGA)
National Congress of American Indians (NCAI)
National Council of Problem Gambling (NCPG)

State Organizations

Arizona Indian Gaming Association (AIGA)
California Nations Indian Gaming Association (CNIGA)
Casino Association of Indiana (CAI)
Casino Association of New Jersey (CANJ)
Nevada Resort Association (NRA)
Oklahoma Indian Gaming Association (OIGA)
Tribal Alliance of Sovereign Indian Nations (TASIN)
Washington Indian Gaming Association (WIGA)

Tribal Organizations

Agua Caliente Band of Cahuilla Indians, CA
Blue Lake Rancheria, CA
Elk Valley Rancheria, CA
Estom Yumeka Maidu Indians of the Enterprise Rancheria, CA
Federated Indians of Graton Rancheria, CA
Jamul Indian Village, CA
Mashantucket Pequot Tribal Nation, CT
Morongo Band of Mission Indians, CA
Penobscot Nation, ME
Picayune Rancheria of the Chukchansi Indians, CA
Pokagon Band of Potawatomi, MI
Salt River Pima Maricopa Indian Community, AZ
San Pasqual Band of Mission Indians, CA
Santa Ynez Band of Chumash Indians, CA
Shingle Springs Band of Miwok Indians, CA
Trinidad Rancheria, CA
Yuhaaviatam of San Manuel Nation, CA

CC: Members of the Senate Committee on Agriculture, Nutrition and Forestry