

**STATEMENT OF KEVIN GOVER,  
ASSISTANT SECRETARY FOR INDIAN AFFAIRS  
DEPARTMENT OF THE INTERIOR  
BEFORE THE COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE  
SEPTEMBER 24, 1998**

Good afternoon, Mr. Chairman and members of the Committee. My name is Kevin Gover, Assistant Secretary for Indian Affairs at the Department of the Interior. I appear before you today to discuss the views of the Department of the Interior on the Auburn Indian Restoration Amendment Act, H.R. 1805.

The Indian Gaming Regulatory Act of 1988, or IGRA, provides the statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments. It also establishes Federal standards for gaming on Indian lands. It codifies the principle set forth in the 1987 U.S. Supreme Court decision in *California v. Cabazon Band of Mission Indians* that Indian tribes have the exclusive right to regulate gaming activity on Indian lands if the gaming activity is not specifically prohibited by Federal law and is conducted within a State which does not, as a matter of criminal law and public policy, prohibit such gaming activity.

The Administration oppose H.R. 1805 because the bill would significantly reduce the sovereign powers of the United Auburn Indian Community, contravene IGRA, and set an adverse precedent for other Indian tribes.

The proposed Auburn Indian Restoration Amendment Act singles out the United Auburn Indian Community of the Auburn Rancheria for greater state and local jurisdiction and regulation than is permitted in IGRA and other federal laws applicable to federally recognized tribes.

Specifically, the bill would allow the State of California unprecedented jurisdiction in enforcing provisions of IGRA, and would require a compact between the Tribe and the local government of the political jurisdiction in which the parcel where gaming would occur is located. The bill further contravenes IGRA by prohibiting Class II gaming, which is not subject to any state regulation under IGRA, on Auburn Indian land without the Tribe first signing a compact with the local government, a political subdivision of the State of California.

In addition, Section 3 of the bill would dramatically change the jurisdictional rules which normally apply to lands taken into trust by the Secretary for the benefit of Indian tribes by granting local governments authority over the use of the Tribe's trust lands. It imposes on the Tribe all general and community plans and zoning ordinances. It prevents the Secretary from acquiring land in trust for the Tribe until the Tribe and the local government have entered into a written compact relating to land use, environmental mitigation, law enforcement, compensation for services, payment in lieu of taxes, and building codes.

Finally, the bill requires the Tribe to waive its sovereign immunity and subjects the Tribe to the jurisdiction of State courts. Section 3(f) of the bill establishes binding arbitration under which the tribe would be subject to a panel that may be established by the Placer County Superior Court and subject to California court jurisdiction.

The United States maintains a government-to-government relationship with Indian tribes. As sovereign governments, Indian tribes traditionally exercise jurisdiction over tribal trust land. The Department strongly opposes any attempt to breach the sovereign authority of an Indian tribe over its trust lands. H.R. 1805 does extreme violence to the concept of sovereignty, and the Department cannot support it.

I will be happy to answer any questions the Committee may have. Thank you.