

Rep. Shelley Berkley (NV-01)
Statement at House Natural Resources Committee Hearing on HR 2176 and HR 4115
February 6, 2008

Mr. Chairman and Members of the Committee, I appreciate the opportunity to speak today on an issue that we have been dealing with for more than five years now, and keeps rearing its ugly head again and again. I strongly oppose the bills offered by my colleagues Chairman Dingell and Congressman Stupak that offer a blueprint to any Indian tribe that wants to circumvent the laws regulating Indian gaming in order to build a casino outside the boundaries of its sovereign territory.

For those of you who are not aware, I represent Las Vegas, Nevada, the gaming capital of the world. I am living proof of the positive impact gaming can have on a community – my father brought us to Las Vegas when I was a child and put food on the table and two kids through college and one through law school on a waiter’s salary. I certainly don’t begrudge the Bay Mills and Soo Saint Marie Tribes, or the communities of Port Huron and Romulus, their desire to participate in this successful industry, but I do take issue with them attempting to flout the laws on Indian gaming, come to Congress for the worst type of special interest legislation, and compete with existing facilities under a different set of rules.

We have a federal law on the books that governs the process for approving gaming by Native American tribes – the Indian Gaming Regulatory Act. Under IGRA, the Bureau of Indian Affairs can approve gaming on newly acquired land taken into trust under very limited circumstances. In the case of the Bay Mills and Soo Tribes, each of which already has gaming on their reservation lands, a suspect land claim was used as a bargaining chip in settlements with the Governor in which the tribes agreed to renounce their claim and receive alternate properties which just so happen to be in locations more conducive to gaming, namely near the population center of Detroit. In fact, a representative of the Soo Tribe described the deal as “shady” in his Senate testimony in 2002, before his tribe joined the party and stood to benefit.

In addition to the suspect land claim, which has been tossed out of both state and federal court, the settlements reached with former Michigan Governor John Engler to allow gaming at Port Huron and Romulus (which incidentally are part of the ancestral lands of a different tribe, the Saginaw Chippewa) violate the Michigan Tribal Gaming Compact, which requires that any new off-reservation gaming have the support of all tribes in the state. These settlements do not have that support.

Residents of Detroit can attest to the role gaming has played in transforming that city. The three new casinos employ more than 7,500 people in the city and contribute hundreds of millions of dollars each year in tax revenue to the city and the state. The two proposed facilities will compete with the Detroit casinos for some of the same customers, but as sovereign tribal entities without the burden of state and local taxes.

In the last Congress, this Committee approved legislation designed to crack down on this type of reservation-shopping. It passed overwhelmingly, with the support of the current Chairman, I might add. The bills we are discussing today would have the exact opposite effect, paving the way for

any one of the more than 500 recognized tribes to sue private landowners in an attempt to bargain for gaming somewhere else.

To recap: Congress is being asked to pass special interest legislation benefiting two tribes, each of which already has gaming, based on a suspect land claim that has already been thrown out of state and federal court, so they can open casinos hundreds of miles from their ancestral lands, in direct competition with existing facilities that have helped revitalize a major American city. What's not to like?

Mr. Chairman, thank you again for allowing me to testify today.