

February 5, 2008

Statement of Congressman Bennie G. Thompson Before Committee on Natural Resources Hearing on H.R. 2176 and H.R. 4115

Good morning, Mr. Chairman and Members of the Committee. I am Congressman Bennie G. Thompson, representing the Second Congressional District of Mississippi, and though I Chair the Committee on Homeland Security, I come to you today as the Chair of the Congressional Black Caucus Gaming Task Force and the representative of 24 casinos in my Congressional District. There are 15 members of the CBC Gaming Task force, many who have operating casinos in their district both tribal and non-tribal and a few who have referendums pending in their Districts for both tribal and non-tribal gaming enterprises.

I come to you opposed to the two current bills being considered in Committee today, H.R.2176 and H.R. 4115 – both which would allow for the development of off-reservation casinos in the State of Michigan.

I want to begin by affirming that I wholeheartedly support Native American issues, ranging from the improvement of health, education, and housing. It is clear that these issues cannot be properly addressed without economic development activities, including on-site gaming which many tribes currently enjoy.

To me, the key word is on-site gaming; gaming that is carried out on previously established reservations as described in regulations set forth by the Department of Interior, Bureau of Indian Affairs.

The two bills in discussion today provide tribes with land designations off-reservation for the primary purpose of developing casinos. This is a process which is commonly referred to as “reservation shopping” – where tribes attempt to seek determinations of sovereignty on lands not currently considered within their legal tribal reservation for the sole purpose of establishing a gaming facility.

There are some who would have you believe that this legislation is about helping tribes who seek to have this land located hundreds of miles from their reservations approved as reservation lands; however, these bills have nothing to do with settling a legitimate land claim. Plain and simple, these bills are all about expanding off-reservation gaming in Michigan.

Furthermore, the Bay Mills Indian Community and Sault Ste. Marie of Chippewa Indians have no historical or ancestral ties to the land on which they want to build casinos in Port Huron and Romulus. There is concern, even among other Native American tribes, that off-reservation casinos weaken public and government support for Indian gaming and undermines the purpose of the Indian Gaming Regulatory Act (IGRA) which is to promote development of strong reservation economies through “on-reservation” casinos. Also, it has been noted that other tribes opposed to off-site gaming feel that our actions today will invite disputes among tribes when the locations is close to more than one tribe that has a significant historical connection and leads to an a proliferation of casinos in urban areas.

The Bureau of Indian Affairs has ruled against several of these applications that constitute “reservation shopping” This is not a new issue. In fact, legislation has been proposed in the past to eliminate the practice of “reservation shopping”.

These bills allow two Michigan Tribes to abuse a loophole in the Indian Gaming Regulatory Act (IGRA) to conduct gaming on lands that are over 350 miles from their reservations. This is clear case of reservation shopping; one of the most blatant in the history of the IGRA. The proposed legislation is contrary to the intent of IGRA and would establish a precedent that would undermine the Act.

I would urge the Committee to not send these bills forward as I am deeply trouble and concerned with the precedent that would be set with the passage of these bills. I encourage the committee to reject these bills.

Thank You