

Dissenting Views on H.R. 2176
offered by the Honorable Dean Heller
House Natural Resources Committee
March 6, 2008



H.R. 2176 would settle Native American land claims in Michigan for the Bay Mills Indian Community, currently with claims in the northern portion of the state, with land taken into trust for gaming further south, about 300 miles away.

I have real concerns that this bill has significant negative effects on existing Indian gaming law already in need of reform. Off-reservation Indian gaming has become highly controversial matter across the nation in several states. This bill sharply divides members of both parties in Michigan, divides local Native American tribes, and divides this committee and other Members of the House. Finally, this bill circumvents the existing procedure in place to approve of tribal gaming, and trample states' rights on this issue. For all of these reasons, it is a bad bill and should be opposed.

Coming from Nevada, I obviously support gaming, including Michigan's right to have gaming, so its expansion is not the issue. But the issue of off-reservation gaming is highly controversial and divisive for many communities, and what this committee and Congress does has clear, national repercussions.

Circumventing existing law on the matter -- the Indian Gaming Regulatory Act (IGRA) -- has far-reaching consequences. Passing this bill circumvents IGRA. The unprecedented congressional approval of off-reservation gaming will set off shockwaves across the nation and among tribes. Dozens of tribes with no gaming facilities will see this move as yet another green light to set up in nearly any economically viable location. Other tribes with gaming on historical land may want a new location for their facility in order to remain competitive.

The door to off-reservation gaming has been opening wider with each passing year, and this bill kicks it open for a nationwide explosion of Indian casinos in nearly any location. Numerous states have already fought over this off-reservation matter. This Committee has done work to reform this law in the past, and should do so again, instead of continuing the status quo. IGRA is now 20 years old, and perhaps we should take a good look at it before passing this bill.

IGRA wisely allows for States to take the lead on these issues, for tribal-state compacts to be negotiated, and for the Department of the Interior and BIA to play proper oversight roles. This bill wipes all that away, without any close understanding of Michigan law. I would object to this committee trampling Nevada law, as I think most members would of their own states.

The Michigan delegation is deeply divided over this issue, and not along party lines. Why should we force something so divisive without more time to address it a without a

closer understanding of state law? House Judiciary Chairman Conyers says that Michigan law is being ignored on this matter.

Even the Tribes in Michigan are divided. I join the members of this committee who support the rights of Native Americans, including those rights under IGRA. But we are treating some differently than others by approving this "reservation shopping".

Additionally, the rights of the state of Michigan are clearly being circumvented as well. Michigan law is being trumped by the fact that we, here in this committee, are going to make law that should be set by the state, as already set forth in IGRA. Approving these bills is de facto approving the gaming compacts for Michigan - documents we haven't read or examined, and which have had little or no discussion. Is the Natural Resources Committee or Congress prepared to do the oversight needed to grant gaming compacts? Nevada has procedures in place to ensure high ethical standards are used when granting gaming licenses, and Michigan does as well. Is Congress or the Committee going to assume that responsibility, that liability, those efforts on this issue in place of the State of Michigan?

I oppose this bill because it is simply bad policy in so many ways, is a controversial matter that has not been vetted appropriately, and it is divisive for tribes, our colleagues throughout Congress, and many of our constituents.

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