

OPENING STATEMENT OF  
CHAIRMAN McCAIN  
COMMITTEE ON INDIAN AFFAIRS HEARING  
FEBRUARY 1, 2006

This morning the Committee is holding its sixth oversight hearing on the Indian Gaming Regulatory Act.

Since IGRA was enacted in 1988, Indian gaming has grown from a few bingo halls on scattered reservations, to a \$19 billion industry, featuring Las Vegas style casinos and entertainment, offered by nearly 200 tribes. The previous hearings in this Committee demonstrated several areas of the law that are in critical need of improvement. Last fall I introduced a bill containing a comprehensive set of amendments, S.2078. However, certain controversial activities continue to concern myself, my colleagues, and many communities around the country, therefore I have determined with Senator Dorgan to continue to look at these activities and whether additional changes to IGRA are needed.

While the majority of tribes have built casinos on their reservations, a growing number have applied to use the exceptions in Section 20 of IGRA to obtain casinos off their reservations in more economically viable locations. As might be expected, the success of off-reservation casinos leads others to seek similar success. State officials have a role in land-into-trust decisions under the two-part determination. I am concerned, however, that the process of taking land into trust under the restored lands and initial reservation exceptions may not be adequate to be fair to all the people impacted by the arrival of a casino.

At the same time, we recognize that the restored lands and initial reservation exceptions were originally intended to provide a fair chance for newly recognized tribes to achieve an equal footing with their sister tribes. Having received a great deal of information about newly recognized tribes looking for the best place to place a casino, rather than a location that meets the cultural and social needs of their members, when looking for an initial or restored reservation, we must now try to fairly balance the interests of tribes seeking reservations and the communities affected by new casinos.

We will also hear from individuals who can testify to three locales' experiences with the land-into-trust process, as well as an Indian tribe that currently has its application for an initial reservation pending before the Bureau of Indian Affairs and that has, at the same time, received an opinion from the National Indian Gaming Commission stating that, if land is taken into trust, it should be considered restored lands. It is these two exceptions to IGRA's general ban on gaming on recently acquired land—the initial reservation and restored lands for restored tribes exceptions—that we are interested in today.

