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H.R. 2176 and H.R. 4115

Bills to ratify certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa

H.R. 2176 and H.R. 4115 would use a questionable Indian Tribal land claim to preemptively legalize two new Tribal casinos in Michigan, in defiance of well-established procedures in federal and State law that are designed to limit the expansion of off-reservation casino gaming. The casinos would be located 350 miles away from the Tribes' reservations, wholly outside their ancestral lands. These invalid land claims have already failed in both federal and state court.

The passage of this legislation would create a dangerous precedent under the Indian Gaming Regulatory Act (IGRA), creating a shortcut for opening new casinos that would permit the unlimited expansion of off-reservation gaming. Never before has Congress authorized site-specific off-reservation casinos and allowed two Tribes to go 350 miles from their reservations to open casinos. This legislation would set a blueprint for putting a casino in any corner of the country.

IGRA requires any Tribe asking that off-reservation land be taken into trust for casino gaming to submit an application to the Department of Interior. Interior then carefully weighs a number of factors – including the distance from the Tribe's reservation. The degree of scrutiny increases as the distance from the reservation increases, because the benefits to tribal welfare diminish, while the potential harms to tribal welfare increase. Interior also conducts extensive environmental review of the proposed land to ensure compliance with the National Environmental Policy Act – otherwise, federal taxpayers may be required to pay for any NEPA liabilities that exist on the land.

In disregarding federal and State law and the expressed will of Michigan voters, the legislation raises serious questions regarding procedural fairness, due process, and respect for the role of citizens in our democracy. The legislation is opposed by the U.S. Department of Interior, by every Member of the Judiciary Committee, and by more than fifty Tribes from all across the country.