

# United States Senate

WASHINGTON, DC 20510

June 18, 2014

The Honorable Jon Tester  
Chairman  
Senate Committee on Indian Affairs  
838 Hart Senate Office Building  
Washington, DC 20510

The Honorable John Barrasso  
Vice Chairman  
Senate Committee on Indian Affairs  
838 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Tester and Vice Chairman Barrasso:

As you know, October 17, 2013, marked the 25<sup>th</sup> anniversary of the enactment of the Indian Gaming Regulatory Act of 1988 (IGRA), P.L. 100-497, 25 U.S.C. 2701 *et seq.* Given the success and challenges surround Indian gaming as it exists today, we respectfully request that the Senate Committee on Indian Affairs hold an oversight hearing on Indian gaming matters.

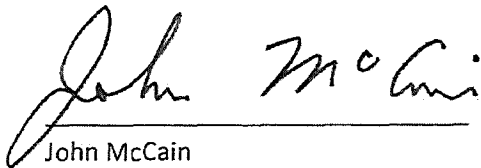
You'll recall that IGRA was enacted in response to the Supreme Court's landmark *California v. Cabazon Band* decision that held Indian tribes, as sovereign entities, have a right to conduct gaming. In the wake of *Cabazon*, Congress acted through IGRA to address unresolved questions such as determining the appropriate level of federal and state oversight into tribal gaming operations and what tribal lands are eligible for constructing a gaming facility. The process of enacting IGRA was complex, but in the end it embodied a carefully balance between the concepts of tribal sovereignty and state's rights. A quarter-century later, Indian gaming stands as a \$27 billion a year industry with over 460 gaming establishments run by 240 gaming tribes.

We believe an oversight hearing would help Congress revisit the importance of ensuring the integrity and vitality of Indian gaming. For example, the matter of off-reservation gaming is an ongoing concern across the nation, including in the State of Arizona where IGRA's land-claim settlement exception is a disputed matter among several gaming tribes. We believe the issue involving Glendale, Arizona, should be included in such a hearing because the Committee has not evaluated the impacts that these kinds of Indian casinos have on nearby non-Indian communities for some time. These questions, however, have become increasingly relevant given the desire by many in Congress to enact a "Carcieri fix", which would enable more tribes to take land into trust potentially for gaming purposes. Moreover, such a hearing would be particularly ripe in the wake of the recent Supreme Court ruling *Michigan v. Bay Mills Indian Community* and the ongoing study by the Government Accountability Office

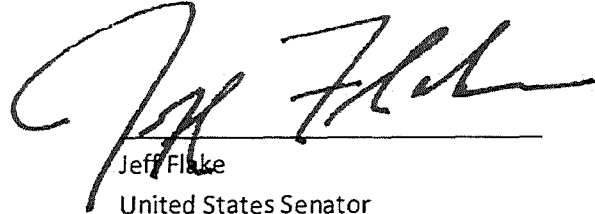
(GAO) to evaluate the effectiveness of the National Indian Gaming Commission (NIGC). We hope these and other issues will be examined by the Committee accordingly.

Thank you for your consideration of this request.

Sincerely,



John McCain  
United States Senator



Jeff Flake  
United States Senator