

Republicans Vow To Push For Carcieri Fix

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With their party now in charge of both chambers of Congress, Republican lawmakers on Wednesday told tribal gaming leaders a legislative fix to a controversial 2009 Supreme Court decision may be achievable as early as this year.

While governor of Rhode Island, Republican Donald Carcieri prevailed in a **February 2009 ruling** by the U.S. Supreme Court which prevents the Interior Department from taking land into trust for tribes that came under federal jurisdiction after 1934.

Tribes have been frustrated in their persistent efforts to persuade Congress to reverse or fix the Supreme Court decision, which has spurred lawsuits to block the Interior Department's acquisition of land for Indian casinos and other purposes.

"In the case of land in trust, I think we'll get a fix and I think we'll get a fix in the first year of this Congress, and I'm quite confident **the President** will sign it," Republican Darrell Issa of California told officials attending the winter legislative summit of the National Indian Gaming Association (NIGA).

Tom Cole, a Republican from Oklahoma who has led efforts in the House of Representatives to overturn the Supreme Court decision, said the first priority is to move a Carcieri fix bill through the House to the Senate.

"The best thing we can do is tee it up where they [the Senate] have to deal with it, and that creates a certain amount of pressure," Cole told GamblingCompliance after he spoke at the NIGA Summit.

Cole, a member of the Chickasaw Nation and one of only two registered Native Americans in Congress, authored a Carcieri fix bill in 2010, which **narrowly passed the House** by a vote of 212-206.

The bill died in the Senate primarily because of opposition from Democratic **Senator Dianne Feinstein** of California, who remains a staunch critic of off-reservation Indian gaming.

But with Democrats no longer in control of the Senate, the prospect of passing a Carcieri bill in the upper chamber should improve, according to Cole.

"I just don't want to get ahead of myself here or raise expectations, but I think ... there is strong bipartisan support [for a Carcieri fix]," Cole said.

"I never had any doubt, if we got it up for a vote in [the House Natural Resources] committee ... anytime in the last two years that we would have been able to pass it," Cole said.

The change this year in the House is a new chairman of the committee with primary responsibility for Native American issues. Republican Rob Bishop of Utah succeeds fellow Republican Doc Hastings of Washington, who retired.

Although he has not committed to pass a Carcieri fix bill, Bishop is "educating himself on the issue," Cole said.

A Carcieri fix bill likely would be first considered by the House Natural Resources Subcommittee on Indian and Alaska Native Affairs.

The chairman of that subcommittee, 81-year-old **Republican Don Young of Alaska**, told tribal officials last March the House would pass a Carcieri fix bill before the end of 2014.

But Young never even scheduled a hearing on the bill.

During the NIGA Summit on Wednesday, Republican Congressman Jeff Denham of California said Congress has taken too long to act on the Carcieri decision, and “we’ve got to get it fixed.”

“We can’t allow one house or the other to stop the effort,” Denham said. “We need to push it through the House and then get the Senate to just step up and pass it as well.”

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