

## Congressional interest in the issue

When Congress passed the Indian Gaming Regulatory Act in 1988, its goal was to set guidelines for the development and oversight of tribal gaming. But loopholes—including exceptions to the prohibition on gaming on newly acquired lands—have led to casino proliferation. Now there are more than 400 casinos nationwide, and still more are at various stages in the application process.

The Cowlitz Tribe's questionable application for restored lands—one of the loopholes for tribes wanting to game on newly acquired land—stole the show at a 2006 U.S. Senate Indian Affairs Committee hearing and provoked a call for regulations to govern IGRA.

During that hearing, Sen. John McCain (R-Ariz.) told National Indian Gaming Commission (NIGC) counsel Penny Coleman that "communities, local governments and other tribes affected by the Cowlitz proposal seem to have been caught completely off guard" by the NIGC restored lands opinion, which was released in November 2005. He asked her, "What's going on here?"

Addressing the Committee, Coleman called the manner in which the Cowlitz Tribe had applied—by tying the restored lands application to the time-sensitive gaming ordinance—"an anomaly." She said, "...when the Tribe came to us and told us they were going to do it, we were not exactly thrilled with it because we knew that this was a very unusual situation..."

Ridgefield resident Al Alexanderson told the Committee that the NIGC's opinion gave Clark County residents a "sense of betrayal."

Sen. McCain directed the Department of the Interior (DOI) to create rules for implementing IGRA and said they were long overdue. News that the rules would be applied to gaming applications received after April 15, 2006, led to a flurry of applications—more than 50—from across the country.

DOI published the regulations in 2008, 20 years after IGRA became law.

Check out:

- [selected sections of testimony](#) from the "Oversight Hearing on Off Reservation Gaming: The Process for Considering Gaming Applications"
- [the full testimony](#)
- [video of the hearing](#)
- [CARS' timeline for how the rules evolved and how they relate to the Cowlitz Tribe \(orange entries\)](#).
- [CARS' 2006 comments on the proposed rules](#).