

**Opening Statement of Dan Boren
Ranking Member
Subcommittee on Indian and Alaska Native Affairs
Hearing on H.R. 2938**

October 4, 2011

Thank you, Mr. Chairman.

Today the Subcommittee meets to hear testimony on HR. 2938, a bill Mr. Franks introduced to prohibit the Tohono O'odham [TO-HO-NO OH-DUM] Nation from conducting gaming activities under the Indian Gaming Regulatory Act on property the Nation acquired near Glendale, Arizona. Specifically, the bill would amend settlement legislation entered into 25 years ago by the United States and the Nation to compensate the tribe for reservation lands lost due to federal error.

Welcome, Mr. Franks, and welcome to our witnesses. I look forward to hearing your testimonies.

[Acknowledge Mr. Grijalva sitting by UC on the dais]

H.R. 2938 has strong support among Arizona tribes and the City of Glendale. The Nation and its fellow opponents of the bill are equally as strong, including the City of Peoria and a wide array of local elected officials and business leaders in Arizona. The issues involved are complicated and have resulted in vigorous dispute in federal and state courts, as well as garnered interest from local and national media. And, sadly, the dispute over the Nation's plans to pursue gaming activities on its property has turned neighboring cities and fellow tribes against one another.

I am sympathetic to both sides. I understand their positions and the stakes involved. But whether Congress should intervene to essentially undo a binding legal settlement between a trustee and its tribal beneficiary, decades after the fact, gives me pause. I am concerned that this bill will encourage

similar attempts to amend well-established settlement legislation between the United State and Indian tribes.

The United States has broken its promises to Indian tribes since our country's infancy. It has taken decades to repair our relationship as trustees to the First Americans, and we have a ways to go to remedy our past wrongs. I have to ask if we are on the right path to that goal with this legislation.

With that, I look forward to hearing from our witnesses and exploring the issue further.

I yield back.