

U.S. House measure to halt casino near Glendale fails

Written by Administrator

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Construction workers work at the Tohono O'odham Nation's West Valley casino on Tuesday August 18, 2015. The building is supposed to be ready for an opening by the end of 2015. (Photo: Nick Oza/The Republic/azc)

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Story Highlights

- House fails to muster two-thirds vote needed to derail planned Indian casino near Glendale

The U.S. House on Monday evening rejected quick passage of a bill intended to block the Tohono O'odham Nation from opening a controversial casino near Glendale in the West Valley.

House members voted 263 to 146, with 25 abstentions, to support the Keep the Promise Act, but the tally fell short of the two-thirds threshold necessary to advance the measure on what's called the suspension calendar.

The future of the proposal, which was introduced by Rep. Trent Franks, R-Ariz., was uncertain. The measure was intended to quash the years-long drive by the Tohono O'odham to open a Las Vegas-style gaming hall near Glendale.

"Unfortunately, Congress failed to reassert its long established history of regulating, managing, and working with tribes on tribal trust land, specifically where this unlawful casino is being built," Franks said in a statement.

"I am disappointed that some of my colleagues voted to allow the Tohono O'odham tribe to disregard their end of the deal and dishonor their promise to the other tribes and to Arizonans,"

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he said.

The tribe, however, applauded the outcome.

Tohono O'odham Nation Chairman Edward D. Manuel said, "Today, David beat Goliath again. The special interests spent \$17 million trying to rush this harmful bill through, but in the end it came down to the facts. The more that members of Congress examine this legislation, the more they recognize how harmful it is for Arizona workers, the Nation, and tribes across the U.S."

The legislation, House Resolution 308, would have halted new casinos from opening in the Phoenix area until the current casino agreement between Arizona's tribes and voters expires in 2027.

Hours before the vote, Franks said the tribe had acted contrary to its public comments when the gaming compact was negotiated.

"One Tucson-area tribe is trying to build a major casino on lands that were deceptively purchased in the Phoenix metropolitan area at the very time they were in negotiations with other tribes in the state to craft this gaming compact," Franks said during a floor speech.

"All parties knew what we were agreeing to," he said.

The compact was intended to set limits on casino operations in Arizona. After its passage, the Tohono O'odham purchased a tract of unincorporated land within view of the University of Phoenix Stadium and had it formally recognized as reservation land in order to build the casino.

Rep. Raúl Grijalva, D-Ariz., worked to slow the measure. He requested a roll-call vote, rather than just a voice vote, which is usually reserved for non-controversial legislation.

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The Tohono O'odham have acted legally and appropriately in developing the casino, Grijalva said after the vote.

"Outside interests who hoped to use Congress to block competition — never an offer my colleagues and I should take up — have failed to buy the result they wanted, despite spending millions of dollars on an army of lobbyists. It's time to drop this special interest giveaway once and for all and move on to real business," Grijalva said.

By allowing Congress to block a specific tribal project on legally-acquired tribal land, the legislation would have opened the door to congressional meddling in tribal economic development anywhere in the country, he said.

The Gila River Indian Community will continue to push for congressional action on the measure, said tribal spokesman Manuel Johnson.

"Clearly, a strong majority of the U.S. House supports the Keep the Promise Act — as do tens of thousands of Arizonans and elected leaders across the state and the country," Johnson said. Gila River operates three casinos in the metro Phoenix area.

He thanked "steadfast" leaders including Republican Reps. Franks, Paul Gosar, David Schweikert and Matt Salmon, Democrat Rep. Ann Kirkpatrick, and Republican Sens. John McCain and Jeff Flake for pushing for the measure.

The Tohono O'odham tribe intends to open the first phase of the casino Dec. 20 near 95th and Northern avenues, a spokesman said.

The casino will have 1,089 machines that appear similar to standard slot machines, but will operate as Class 2 gaming devices, a distinction that bypasses opposition by state officials, according to the tribe.

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In April, Gov. Doug Ducey, state Attorney General Mark Brnovich and Arizona Department of Gaming Director Daniel Bergin said the state will not allow the West Valley casino to open with full gaming operations, because the state alleges the tribe committed fraud in negotiating its 2002 gaming compact.

The Arizona Department of Gaming has the authority to regulate Class 3 gaming, which includes slot machines and blackjack, but not Class 2 gaming with machines that are akin to electronic bingo.

The tribe is suing the state to obtain full Class 3 gaming at the property. Customers probably won't notice a difference between Class 2 and Class 3 machines, according to the tribe. They look and play like traditional slot machines.

The interim facility is 60,000 square feet and features two restaurants, a bar and parking for 1,200 vehicles.

The second phase will feature a larger, full-scale casino, two parking garages and related office space. The next phase tentatively is scheduled to open around 2018. The third phase will include an approximately 400-room hotel that's tentatively scheduled to open around 2019.

Even if the House bill had passed, there was no guarantee it would have become law. The Senate also would have had to pass the measure, but similar efforts have failed twice in the upper chamber.

In addition, President Obama would have to sign the legislation, a move that appeared particularly unlikely since the Department of the Interior has green-lighted the tribe's preliminary steps to open the casino.

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