

[DISCUSSION DRAFT]

109TH CONGRESS
1ST SESSION

H. R. _____

To amend the Indian Gaming Regulatory Act to restrict off-reservation gaming, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. POMBO introduced the following bill, which was referred to the Committee on _____

A BILL

To amend the Indian Gaming Regulatory Act to restrict off-reservation gaming, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RESTRICTION ON OFF-RESERVATION GAMING.**

4 Section 20 of the Indian Gaming Regulatory Act (25
5 U.S.C. 2719) is amended—

6 (1) by amending subsection (b)(1) to read as
7 follows:



1 “(b)(1) Subsection (a) will not apply to any Indian
2 tribe that is newly recognized, restored, or landless as of
3 the date of enactment of this [bill] including those newly
4 recognized under the Federal Acknowledgement Process
5 at the Bureau of Indian Affairs, if —

6 “(A) the Secretary determines that the
7 lands, acquired in trust for the benefit of the
8 Indian tribe for the purposes of gaming, are
9 lands within the State of such tribe, and are
10 where the Indian tribe has its primary geo-
11 graphic, social, and historical nexus to the land;

12 “(B) the Secretary determines that the
13 proposed gaming activity is in the best interest
14 of the Indian tribe and its tribal members, and
15 would not be detrimental to the surrounding
16 community and nearby Indian tribes;

17 “(C) the Governor and State legislature of
18 the State in which the gaming activities will be
19 conducted concur;

20 “(D) the nearby Indian tribes concur; and

21 “(E) the county or parish with authority
22 over land that is contiguous to the lands ac-
23 quired in trust for the benefit of the Indian
24 tribe for the purposes of gaming approve by a



1 majority vote in a county or parish refer-
2 erendum.”; and

3 (2) by adding at the end the following new sub-
4 sections:

5 “(e)(1) In order to consolidate class II gaming and
6 class III gaming development, an Indian tribe may invite
7 one or more other Indian tribes to participate in or benefit
8 from gaming conducted under this Act upon any portion
9 of Indian land that was, as of October 17, 1988, located
10 within the boundaries of the reservation of the inviting In-
11 dian tribe, so long as each invited Indian tribe has no own-
12 ership interest in any other gaming facility on any other
13 Indian lands and has its primary geographic, social, and
14 historical nexus to land within the State in which the In-
15 dian land of the inviting Indian tribe is located.

16 “(2) Notwithstanding any other provision of law, an
17 Indian tribe invited to conduct class II gaming or class
18 III gaming under paragraph (1) may do so under author-
19 ity of a lease with the inviting Indian tribe, which lease
20 shall be lawful without the review or approval of the Sec-
21 retary and which lease shall be deemed by the Secretary
22 to be sufficient evidence of the existence of Indian land
23 of the invited Indian tribe for purposes of secretarial ap-
24 proval of a Tribal-State compact under this Act.



1 “(3) Notwithstanding any other provision of law, the
2 Indian tribes identified in paragraph (1) may establish the
3 terms and conditions of their lease and other agreements
4 between them in their sole discretion, provided that in no
5 case may the total payments to the inviting Indian tribe
6 under the lease and other agreements exceed 40 percent
7 of the net revenues (defined for such purposes as the rev-
8 enue available to the 2 Indian tribes after deduction of
9 costs of operating and financing the gaming facility devel-
10 oped on the leased land and of fees due to be paid under
11 the Tribal-State compact) of the gaming activity con-
12 ducted by the invited Indian tribe.

13 “(4) An invited Indian tribe under this subsection
14 shall be deemed by the Secretary and the Commission to
15 have the sole proprietary interest and responsibility for the
16 conduct of any gaming on lands leased from an inviting
17 Indian tribe.

18 “(5) Conduct of gaming by an invited Indian tribe
19 on lands leased from an inviting Indian tribe under this
20 subsection shall be deemed by the Secretary and the Com-
21 mission to be conducted under the Act upon Indian
22 lands—

23 “(A) of the invited Indian tribe;

24 “(B) within the jurisdiction of the invited In-
25 dian tribe; and



1 “(C) over which the invited Indian tribe has
2 and exercises governmental power.

3 “(f) Notwithstanding any other provision of this Act,
4 an Indian tribe shall not conduct gaming regulated by this
5 Act on Indian lands outside of a State in which the Indian
6 tribe has a reservation on the date of the enactment of
7 this subsection, unless such Indian lands are contiguous
8 to such a reservation of that Indian tribe in the State.”.

9 **SEC. 2. STATUTORY CONSTRUCTION.**

10 The amendment made by paragraph (1) of section
11 1 shall be applied prospectively. Compacts or other agree-
12 ments that govern gaming regulated by this Act on Indian
13 lands that were in effect on the date of the enactment
14 of this Act shall not be affected by the amendments made
15 by paragraph (1) of section 1 of this Act.

