

105TH CONGRESS
1ST SESSION

S. 962

To amend the Indian Gaming Regulatory Act with respect to certain gaming practices on tribal lands held in trust by the Secretary of the Interior, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 1997

Mr. BOND introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Indian Gaming Regulatory Act with respect to certain gaming practices on tribal lands held in trust by the Secretary of the Interior, 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. SHORT TITLE.**

4 This Act may be cited as the “Gaming Clarification
5 Act of 1997”.

1 **SEC. 2. LAND BASED GAMING PROHIBITION OF THE CON-**
2 **STITUTION OF THE STATE OF MISSOURI.**

3 Section 20(b) of the Indian Gaming Regulatory Act
4 (25 U.S.C. 2719(b)) is amended by adding at the end the
5 following:

6 “(4) Section 39(e) of article III of the Constitution
7 of the State of Missouri, which authorizes the legislature
8 of the State to permit games of chance only upon the Mis-
9 souri River or the Mississippi River, conducted on excur-
10 sion gambling boats and floating facilities—

11 “(A) is a prohibitory measure; and

12 “(B) may not be construed to permit land-
13 based class III gaming of any kind for any pur-
14 pose.”.

15 **SEC. 3. APPLICABILITY OF RESTRICTIONS.**

16 Section 20(b) of the Indian Gaming Regulatory Act
17 (25 U.S.C. 2719(b)), as amended by section 2, is further
18 amended by adding at the end the following:

19 “(5) Notwithstanding any other provision of this sub-
20 section, subsection (a) shall apply to any lands acquired
21 by the Secretary in trust for the benefit of an Indian tribe
22 after the date specified in that subsection, if, at the time
23 of the taking of those lands into trust, those lands are
24 located outside of the State in which the Indian tribe is
25 located.”.

1 **SEC. 4. DECLARATION OF INTENT TO CONDUCT GAMING.**

2 Section 20 of the Indian Gaming Regulatory Act (25
3 U.S.C. 4719) is amended by adding at the end the follow-
4 ing:

5 “(e) DECLARATION OF INTENT TO CONDUCT GAM-
6 ING.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), notwithstanding any other provision of
9 law, including any other provision of this Act, lands
10 taken into trust for an Indian tribe after the date
11 of enactment of the Gaming Clarification Act of
12 1997, shall not, for the purposes of this Act, be con-
13 sidered to be Indian lands upon which class II or
14 class III gaming may be conducted in accordance
15 with this Act.

16 “(2) EXCEPTION.—With respect to trust lands
17 described in paragraph (1) of an Indian tribe, class
18 II or class III gaming may be conducted on those
19 lands in accordance with this Act if—

20 “(A) the Indian tribe submits an applica-
21 tion to the Secretary of the Interior that con-
22 tains an explicit declaration of the intent of the
23 Indian tribe to conduct gaming on those lands;
24 and

25 “(B) the Secretary of the Interior, in ac-
26 cordance with procedures established by the

1 Secretary, including reviewing the applicability
2 of subsection (b)(4), approves the declaration
3 contained in the petition.”.

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