

108TH CONGRESS
2D SESSION

H. R. 4734

To amend the Indian Gaming Regulatory Act to include a definition of initial reservation and consultation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2004

Mr. JOHN introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Indian Gaming Regulatory Act to include a definition of initial reservation and consultation, 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. DEFINITIONS OF INITIAL RESERVATION AND**
4 **CONSULTATION.**

5 Section 4 of the Indian Gaming Regulatory Act (25
6 U.S.C. 2703) is amended by adding at the end the fol-
7 lowing new paragraphs:

8 “(11) The term ‘initial reservation’ means In-
9 dian lands within one or more of the following:

1 “(A) The geographical area designated by
2 the Assistant Secretary where financial assist-
3 ance and social services programs are provided
4 to that Indian tribe. Such a geographical area
5 may include land on a reservation, near reserva-
6 tion, or any other geographical location.

7 “(B) The geographical area designated by
8 the Indian tribe during the Federal acknowl-
9 edgement process as the area in which more
10 than 50 percent of the members of the Indian
11 tribe reside in a group composed exclusively or
12 almost exclusively of members of the Indian
13 tribe.

14 “(C) The geographical area in which it can
15 be demonstrated that the Indian tribe has his-
16 torically resided.

17 “(12) The term ‘consultation’ means, at a min-
18 imum, the following:

19 “(A) A procedure whereby State, local, and
20 tribal governments with jurisdiction over land
21 within 50 miles of the land proposed to be
22 taken into trust are provided actual notice of
23 the proposed land acquisition and an oppor-
24 tunity to provide comments on that proposal.
25 Such notice shall include information on the

1 proposed location of the gaming facility, the
2 proposed scope of the gaming activity, the pro-
3 posed size of the facility, and other relevant in-
4 formation as determined by the Secretary. The
5 notice shall solicit comments from the State,
6 local, and tribal governments on the potential
7 effects of the proposal and include notification
8 that comments are to be received not later than
9 60 days after the notice, with the possibility of
10 a 60-day extension, upon request. Such com-
11 ments shall be addressed in writing to the Sec-
12 retary of the Interior or the appropriate depart-
13 mental official.

14 “(B) After expiration of the comment pe-
15 riod and prior to the Secretary’s determination,
16 the Secretary or the appropriate departmental
17 official must notify the applicant Indian tribe
18 and State, local, and tribal governments with
19 jurisdiction over land within 50 miles of the
20 land proposed to be taken into trust of the sta-
21 tus of the application and inform them that
22 they may, within 30 days of receipt of the no-
23 tice, request that the Secretary or the appro-
24 priate departmental official hold a hearing for
25 the purpose of discussing the merits of the ap-

1 plication. The hearing record will be available to
 2 any participating party and become part of the
 3 record considered by the Secretary in reaching
 4 a final determination.”.

5 **SEC. 2. CLARIFICATION REGARDING CONDITIONS RE-**
 6 **QUIRED FOR EXCEPTION TO GAMING RE-**
 7 **STRICTIONS ON CERTAIN LAND.**

8 Section 20(b)(1)(A) of the Indian Gaming Regulatory
 9 Act (25 U.S.C. 2719(b)(1)(A)) is amended—

10 (1) by striking “appropriate State and local of-
 11 ficials, including officials of other nearby Indian
 12 tribes” and inserting “officials of any State or local
 13 government or Indian tribe with jurisdiction over
 14 land located within 50 miles of the land proposed to
 15 be taken into trust”; and

16 (2) by inserting “or would not have a negative
 17 economic impact on businesses, governments, or In-
 18 dian tribes within a 50 mile radius of the land pro-
 19 posed to be taken into trust” after “would not be
 20 detrimental to the surrounding community”.

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