

109TH CONGRESS  
1ST SESSION

# H. R. 2353

To make technical corrections to the Indian Gaming Regulatory Act, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2005

Mr. ROGERS of Michigan (for himself, Mr. EHLERS, Mr. HOEKSTRA, Mr. WOLF, Mr. BOUSTANY, Mrs. JOHNSON of Connecticut, Mr. DENT, Mr. HERGER, Mr. SHAYS, and Mr. PITTS) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To make technical corrections to the Indian Gaming  
Regulatory Act, 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 “Common Sense Indian  
5 Gambling Reform Act”.

6 **SEC. 2. BACKGROUND INVESTIGATIONS AND APPROVAL OF**  
7 **FINANCIAL INTERESTS.**

8 (a) BACKGROUND INVESTIGATIONS.—

1           (1) GAMING INVESTORS.—Section 7(b)(3) of  
2           the Indian Gaming Regulatory Act (25 U.S.C.  
3           2706(b)(3)) is amended to read as follows:

4           “(3) shall conduct or cause to be conducted  
5           background investigations on the 10 persons or enti-  
6           ties with the highest financial interest (such as  
7           loans, debt-based financing, financial backing for  
8           equipment or other startup or operation costs, and  
9           other financial interests as determined by the Com-  
10          mission) in a gaming operation regulated by the  
11          Commission and such other background investiga-  
12          tions as may be necessary;”.

13          (2) TRIBAL GAMING OFFICIALS.—Section  
14          11(b)(2)(F)(i) of the Indian Gaming Regulatory Act  
15          (25 U.S.C. 2710(b)(2)(F)(i)) is amended—

16                (A) by striking “conducted on” the first  
17                place it appears and inserting “conducted by  
18                the Commission on tribal gaming commis-  
19                sioners, key tribal gaming commission employ-  
20                ees, and”; and

21                (B) by striking “such officials and their  
22                management” and inserting “such individuals”.

23          (b) APPROVAL OF FINANCIAL INTERESTS.—Section  
24          6 of the Indian Gaming Regulatory Act (25 U.S.C. 2705)  
25          is amended—

1 (1) in paragraph (3), by striking “; and” and  
2 inserting a semicolon;

3 (2) in paragraph (4), by striking the period and  
4 inserting “; and”; and

5 (3) by adding at the end the following new  
6 paragraph:

7 “(4) approve financial interests between the 10  
8 persons or entities with the highest financial interest  
9 (such as loans, debt-based financing, financial back-  
10 ing for equipment or other startup or operation  
11 costs, and other financial interests as determined by  
12 the Commission) and a gaming operation regulated  
13 by the Commission.”.

14 (c) COMMISSION FUNDING.—Section 18(a)(2)(B) of  
15 the Indian Gaming Regulatory Act (25 U.S.C.  
16 2717(a)(2)(B)) is amended by striking “\$8,000,000” and  
17 inserting “\$16,000,000”.

18 **SEC. 3. DECLARATION OF INTENT TO GAME ON TRUST**  
19 **LANDS.**

20 (a) CLASS II GAMING.—Section 11(b)(1) of the In-  
21 dian Gaming Regulatory Act (25 U.S.C. 2710(b)(1)) is  
22 amended—

23 (1) in subparagraph (A), by striking “and” at  
24 the end;

1           (2) in subparagraph (B), by striking the period  
2           and inserting “; and”; and

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

5                   “(C)(i) conducted on lands taken into trust  
6                   before the date of the enactment of this sub-  
7                   paragraph; or

8                   “(ii) conducted on lands taken into trust  
9                   after the date of the enactment of this subpara-  
10                  graph only if the application requesting that the  
11                  land be taken into trust stated that the Indian  
12                  tribe intended to conduct gaming activities on  
13                  such land.”.

14          (b) CLASS III GAMING.—Section 11(d)(1) of the In-  
15          dian Gaming Regulatory Act (25 U.S.C. 2710(d)(1)) is  
16          amended—

17               (1) in subparagraph (B), by striking “and” at  
18               the end;

19               (2) in subparagraph (C), by striking the period  
20               and inserting “; and”; and

21               (3) by adding at the end the following new sub-  
22               paragraph:

23                   “(D)(i) conducted on lands taken into  
24                   trust before the date of the enactment of this  
25                   subparagraph; or

1           “(ii) conducted on lands taken into trust  
2           after the date of the enactment of this subpara-  
3           graph only if the application requesting that the  
4           land be taken into trust stated that the Indian  
5           tribe intended to conduct gaming activities on  
6           such land.”.

7   **SEC. 4. CLARIFICATION REGARDING CONDITIONS RE-**  
8                   **QUIRED FOR EXCEPTION TO GAMING RE-**  
9                   **STRICTIONS ON CERTAIN LAND.**

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

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

18           (2) by striking “and would not be detrimental  
19       to the surrounding community” and inserting “and,  
20       after conducting an economic impact study, deter-  
21       mines that a gaming establishment on newly ac-  
22       quired lands would not have a negative economic im-  
23       pact on business, government, or Indian tribes with-  
24       in a 50 mile radius of the land proposed to be taken

1 into trust or be otherwise detrimental to the commu-  
2 nity with such 50 mile radius”.

3 **SEC. 5. APPROVAL OF COMPACTS BY STATE.**

4 Section 11(d) of the Indian Gaming Regulatory Act  
5 (25 U.S.C. 2710(d)) is amended by adding at the end the  
6 following new paragraph:

7 “(10) For the purposes of State approval under  
8 this subsection, the term ‘State’ shall mean the Gov-  
9 ernor of the State and the legislative body of the  
10 State.”.

11 **SEC. 6. RESTRICTION ON GAMING.**

12 (a) AMENDMENTS.—Section 20 of the Indian Gaming  
13 Regulatory Act (25 U.S.C. 2719) is amended—

14 (1) by amending paragraph (1) of subsection  
15 (b) to read as follows:

16 “(1)(A) Subsection (a) shall not apply to Indian  
17 land of an Indian tribe if each of the conditions in  
18 subparagraph (B) are satisfied and the Indian  
19 tribe—

20 “(i) was newly recognized after October  
21 17, 1988 (including those newly recognized  
22 under the Federal Acknowledgement Process at  
23 the Bureau of Indian Affairs);

1 “(ii) was restored by legislation, court de-  
2 cree, or any other process after having been ter-  
3 minated by Federal law; or

4 “(iii) on the date of the enactment of sub-  
5 section (e), had no lands held in trust by the  
6 United States for the benefit of the Indian  
7 tribe, no reservation, and no lands held by the  
8 Indian tribe subject to restriction by the United  
9 States against alienation over which the Indian  
10 tribe exercised governmental power.

11 “(B) The conditions referred to in subpara-  
12 graph (A) are the following:

13 “(i) The Secretary determines that the  
14 lands acquired in trust for the benefit of the In-  
15 dian tribe for the purposes of gaming are lands  
16 within the State where the Indian tribe has its  
17 primary geographic, social, and historical nexus  
18 to the land.

19 “(ii) The Secretary determines that the  
20 proposed gaming activity is in the best interest  
21 of the Indian tribe, its tribal members, and  
22 would not be detrimental to the surrounding  
23 community.

24 “(iii) The State, city, county, town, parish,  
25 village, and other general purpose political sub-

1 divisions of the State with authority over land  
2 that is concurrent or contiguous to the lands  
3 acquired in trust for the benefit of the Indian  
4 tribe for the purposes of gaming approve.”; and  
5 (2) by adding at the end the following new sub-  
6 section:

7 “(e) Notwithstanding any other provision of this Act,  
8 an Indian tribe may conduct gaming regulated by this Act  
9 on only one contiguous parcel of Indian lands. Such Indian  
10 lands must be located where that Indian tribe has its pri-  
11 mary geographic, social, and historical nexus and within  
12 the State or States where the Indian tribe is primarily  
13 located.”.

14 (b) STATUTORY CONSTRUCTION.—The amendments  
15 made by subsection (a) shall be applied prospectively.  
16 Compacts or other agreements that govern gaming regu-  
17 lated by the Indian Gaming Regulatory Act that were in  
18 effect on the date of the enactment of this Act shall not  
19 be affected by the amendments made by subsection (a).

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