

103^D CONGRESS
1ST SESSION

H. R. 2323

To amend the Indian Gaming Regulatory Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 1993

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

A BILL

To amend 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. INDIAN GAMING RESTRICTED.**

4 (a) REGULATION OF CLASS II GAMING.—Section
5 11(b) of the Act (25 U.S.C. 2710(b)) is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (A)—

8 (i) by inserting “(i)” after “(A)”;

9 (ii) in clause (i), as designated by
10 clause (i) of this subparagraph, by striking
11 “any purpose” and all that follows through

1 “law), and” and inserting “a commercial
2 purpose by any person, organization or en-
3 tity, or”; and

4 (iii) by inserting after clause (i), as
5 designated by clause (i) of this subpara-
6 graph, the following:

7 “(ii) such Indian gaming is for charitable pur-
8 poses and is located within a State that permits
9 such gaming for charitable purposes by a person,
10 organization or entity,”;

11 (B) by redesignating subparagraph (B) as
12 subparagraph (D) and inserting the following:

13 “(B) such gaming is not otherwise specifically
14 prohibited on Indian lands by Federal law,

15 “(C) permissible gaming is limited to the spe-
16 cific forms of, and methods of play for, gaming ac-
17 tivities expressly authorized by the law of the State,
18 and”;

19 (2) in paragraph (2)—

20 (A) in subparagraph (E), by striking
21 “and” at the end;

22 (B) in subparagraph (F), by striking the
23 period and inserting “; and”; and

24 (C) by adding at the end the following:

1 “(G) all gaming activities shall be conducted in
2 conformity with those laws and regulations (if any)
3 of the State regarding specific games allowed and
4 methods of play, including, but not limited to, peri-
5 ods of operation, limitation on wagers, pot sizes, and
6 losses.”.

7 (b) REGULATION OF CLASS III GAMING.—Section
8 11(d)(1) of the Act (25 U.S.C. 2710(d)(1)) is amended—

9 (1) by amending subparagraph (B) to read as
10 follows:

11 “(B) located in a State that permits such gam-
12 ing for any purpose by any person, organization, or
13 entity which conducts the authorized gaming activity
14 as part of a commercial, for-profit business enter-
15 prise; except that a Tribal-State compact may per-
16 mit any other class III gaming authorized by a State
17 if conducted in accordance with State law;”;

18 (2) by redesignating subparagraph (C) as sub-
19 paragraph (D) and inserting after subparagraph (B)
20 the following new subparagraph:

21 “(C) limited to the specific forms of, and meth-
22 ods of play for, gaming activities expressly author-
23 ized by the law of the State; and”.

24 **SEC. 2. DEFINITION OF CLASS III GAMING.**

25 Section 4 of the Act (25 U.S.C. 2703) is amended—

1 (1) in paragraph (7)(A)(i), by inserting after
2 “therewith)” the following: “except video bingo”;
3 and

4 (2) in paragraph (8), by inserting before the pe-
5 riod at the end the following: “including, but not
6 limited to, slot machines (as such term is defined in
7 subsection (a)(1) of the first section of the Act of
8 January 2, 1951 (Chapter 1194; 64 Stat. 1134)),
9 electronic or electromechanical facsimiles of any
10 game of chance, and any and all forms of electronic
11 video games or devices, such as video bingo, video
12 pull-tabs, video keno, and video blackjack”.

13 **SEC. 3. COMPACT NEGOTIATION.**

14 (a) BURDEN OF PROOF.—Section 11(d)(7)(B)(ii) of
15 the Act (25 U.S.C. 2710(d)(7)(B)(ii)) is amended by
16 striking “burden of proof shall be upon the State to prove
17 that the State” and inserting “burden of proof shall be
18 upon the Indian tribe to prove that the State”.

19 (b) CERTAIN EVIDENCE.—Section 11(d)(7)(B)(iii) of
20 the Act (25 U.S.C. 2710(d)(7)(B)(iii)) is amended—

21 (1) in subclause (I), by striking “, and” and in-
22 serting a semicolon;

23 (2) in subclause (II), by striking the period and
24 inserting “; and”; and

25 (3) by adding at the end the following:

1 “(III) except as provided in clause
2 (ii), shall not consider as evidence that the
3 State has not negotiated in good faith a
4 demand by the State that the gaming ac-
5 tivities contemplated by the compact be
6 conducted on the same basis as gaming ac-
7 tivities which may be conducted by any
8 other person or entity under the terms of
9 relevant State law.”.

10 **SEC. 4. NATIONAL INDIAN GAMING COMMISSION.**

11 (a) **ADDITIONAL MEMBERS.**—Section 5(b)(1) of the
12 Act (25 U.S.C. 2704(b)(1)) is amended—

13 (1) in the material preceding subparagraph (A),
14 by striking “three” and inserting “five”;

15 (2) in subparagraph (A), by striking “and”;

16 (3) in subparagraph (B), by striking the period
17 at the end and inserting “; and”; and

18 (4) by adding at the end the following:

19 “(C) two associate members who shall be
20 appointed by the President, with the advice and
21 consent of the Senate, from among State offi-
22 cials.”.

23 (b) **COMPOSITION.**—Section 5(b)(3) of the Act (25
24 U.S.C. 2704(b)(3)) is amended in the first sentence by
25 striking “two” and inserting “three”.

1 (c) QUORUM.—Section 5(d) of the Act (25 U.S.C.
2 2704(d)) is amended by striking “two” and inserting
3 “three”.

4 (d) EFFECTIVE DATE; TRANSITION RULES.—(1) Ex-
5 cept as required for paragraph (2), the amendments made
6 by this section shall take effect at the end of the 90-day
7 period beginning on the date of enactment of this Act and
8 shall apply with respect to any action taken by the Na-
9 tional Indian Gaming Commission after the end of such
10 period.

11 (2) Not later than 90 days after the date of enact-
12 ment of this Act, the President shall make the initial ap-
13 pointments of the associate members of the National In-
14 dian Gaming Commission, as required by the amendments
15 made by subsection (a) of this section, in accordance with
16 the Indian Gaming Regulatory Act, as amended by this
17 Act.

18 **SEC. 5. GAMING ON AFTER ACQUIRED LANDS.**

19 Section 20(b)(1)(A) of the Act (25 U.S.C.
20 2719(b)(1)(A)) is amended—

21 (1) by striking “and appropriate State and local
22 officials, including officials of other nearby Indian
23 tribes,” and inserting the following: “, appropriate
24 State and local officials (including officials of other
25 nearby Indian tribes), and officials of other nearby

1 communities (including communities across State
2 borders that would be directly affected by gaming
3 conducted on such lands),”; and

4 (2) by striking “community” and inserting
5 “communities (including communities across State
6 borders that would be directly affected by gaming
7 conducted on such lands)”.

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