

104TH CONGRESS
1ST SESSION

H. R. 140

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. SOLOMON introduced the following bill; which was referred to the
Committee on 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. SHORT TITLE.**

4 This Act may be cited as the “Unified Intra-State
5 Gaming Rules Act”.

6 **SEC. 2. INDIAN GAMING RESTRICTED.**

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

9 (1) in paragraph (1)—

10 (A) in subparagraph (A)—

11 (i) by inserting “(i)” after “(A)”;

1 (ii) in clause (i), as designated by
2 clause (i) of this subparagraph, by striking
3 “any purpose” and all that follows through
4 “law), and” and inserting “a commercial
5 purpose by any person, organization or en-
6 tity, or”;

7 (iii) by inserting after clause (i), as
8 designated by clause (i) of this subpara-
9 graph, the following:

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

14 (B) by redesignating subparagraph (B) as
15 subparagraph (D) and inserting after subpara-
16 graph (A), the following new subparagraphs:

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

19 “(C) permissible gaming is limited to the spe-
20 cific forms of, and methods of play for, gaming ac-
21 tivities expressly authorized by the law of the State,
22 and”;

23 (2) in paragraph (2)—

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

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

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

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

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

12 (1) by amending subparagraph (B) to read as
13 follows:

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

21 (2) by redesignating subparagraph (C) as sub-
22 subparagraph (D) and inserting after subparagraph (B)
23 the following new subparagraph:

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

4 **SEC. 3. DEFINITION OF CLASS III GAMING.**

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

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

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

18 **SEC. 4. COMPACT NEGOTIATION.**

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

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

1 (1) in subclause (I), by striking “, and” at the
2 end and inserting a semicolon;

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

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

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

15 **SEC. 5. NATIONAL INDIAN GAMING COMMISSION.**

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

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

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

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

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

1 “(C) two associate members who shall be
2 appointed by the President, with the advice and
3 consent of the Senate, from among State offi-
4 cials.”.

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

8 (c) QUORUM.—Section 5(d) of the Act (25 U.S.C.
9 2704(d)) is amended by striking “two” and inserting
10 “three”.

11 (d) EFFECTIVE DATE; TRANSITION RULES.—(1) Ex-
12 cept as required by paragraph (2), the amendments made
13 by this section shall take effect at the end of the 90-day
14 period beginning on the date of enactment of this Act and
15 shall apply with respect to any action taken by the Na-
16 tional Indian Gaming Commission after the end of such
17 period.

18 (2) Not later than 90 days after the date of enact-
19 ment of this Act, the President shall make the initial ap-
20 pointments of the associate members of the National In-
21 dian Gaming Commission, as required by the amendments
22 made by subsection (a) of this section, in accordance with
23 the Indian Gaming Regulatory Act, as amended by this
24 Act.

1 **SEC. 6. GAMING ON AFTER ACQUIRED LANDS.**

2 Section 20(b)(1)(A) of the Act (25 U.S.C.
3 2719(b)(1)(A)) is amended—

4 (1) by striking “and appropriate State and local
5 officials, including officials of other nearby Indian
6 tribes,” and inserting the following: “, appropriate
7 State and local officials (including officials of other
8 nearby Indian tribes), and officials of other nearby
9 communities (including communities across State
10 borders that would be directly affected by gaming
11 conducted on such lands),”; and

12 (2) by striking “community” and inserting
13 “communities (including communities across State
14 borders that would be directly affected by gaming
15 conducted on such lands)”.

○