

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

RESTRICTING INDIAN GAMING TO
HOMELANDS OF TRIBES ACT OF
2006

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4893) to amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming, as amended.

The Clerk read as follows:

H.R. 4893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Restricting Indian Gaming to Homelands of Tribes Act of 2006".

SEC. 2. RESTRICTION ON OFF-RESERVATION GAMING.

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

(1) by amending subsection (b)(1) to read as follows:

"(b)(1) Subsection (a) will not apply when lands are taken in trust for the benefit of an Indian tribe that is newly recognized, restored, or landless after the date of the enactment of subsection (f), including those newly recognized under the Federal Acknowledgment Process at the Bureau of Indian Affairs, and the following criteria are met:

"(A) The Secretary determines that such lands are within the State of such tribe and are within the primary geographic, social, historical, and temporal nexus of the Indian tribe.

"(B) The Secretary determines that the proposed gaming activity would not be detrimental to the surrounding community and nearby Indian tribes.

"(C) Concurrence by the Governor in conformance with laws of that State.

"(D) Mitigation by the Indian tribe in accordance with this subparagraph. For the purposes of the Indian tribe mitigating the direct impact on the county or parish infrastructure and services, the Indian tribe shall negotiate and sign, to the extent practicable during the compact negotiations described in section 11(d)(3), a memorandum of understanding with the county or parish government. Such mitigation requirements shall be limited to the direct effects of the tribal gaming activities on the affected county or parish infrastructure and services. If a memorandum of understanding is not signed within one year after the Indian tribe or county or parish has notified the other party and the Secretary, by certified mail, a request to initiate negotiations, then the Secretary shall appoint an arbitrator who shall establish mitigation requirements of the Indian tribe."; and

(2) by adding at the end the following new subsections:

"(e)(1) In order to consolidate class II gaming and class III gaming development, an Indian tribe may host one or more other Indian tribes to participate in or benefit from gaming conducted under this Act and in conformance with a Tribal-State compact entered into by each in-

ited Indian tribe and the State under this Act upon any portion of Indian land that was, as of October 17, 1988, located within the boundaries of the reservation of the host Indian tribe, so long as each invited Indian tribe has no ownership interest in any other gaming facility on any other Indian lands and has its primary geographic, social, historical, and temporal nexus to land in the State in which the Indian land of the host Indian tribe is located.

"(2) An Indian tribe invited to conduct class II gaming or class III gaming under paragraph (1) may do so under authority of a lease with the host Indian tribe. Such a lease shall be lawful without the review or approval of the Secretary and shall be deemed by the Secretary to be sufficient evidence of the existence of Indian land of the invited Indian tribe for purposes of Secretarial approval of a Tribal-State compact under this Act.

"(3) Notwithstanding any other provision of law, the Indian tribes identified in paragraph (1) may establish the terms and conditions of their lease and other agreements between them in their sole discretion, except that in no case may the total payments to the host Indian tribe under the lease and other agreements exceed 40 percent of the net revenues (defined for such purposes as the revenue available to the 2 Indian tribes after deduction of costs of operating and financing the gaming facility developed on the leased land and of fees due to be paid under the Tribal-State compact) of the gaming activity conducted by the invited Indian tribe.

"(4) An invited Indian tribe under this subsection shall be deemed by the Secretary and the Commission to have the sole proprietary interest and responsibility for the conduct of any gaming on lands leased from a host Indian tribe.

"(5) Conduct of gaming by an invited Indian tribe on lands leased from a host Indian tribe under this subsection shall be deemed by the Secretary and the Commission to be conducted under the Act upon Indian lands—

"(A) of the invited Indian tribe;

"(B) within the jurisdiction of the invited Indian tribe; and

"(C) over which the invited Indian tribe has and exercises governmental power.

"(6) Notwithstanding the foregoing, the gaming arrangement authorized by this subsection shall not be conducted on any Indian lands within the State of Arizona.

"(7) Any gaming authorized by this subsection shall not be conducted unless it is—

"(A) consistent with the Tribal-State compacting laws of the State in which the gaming activities will be conducted;

"(B) specifically identified as expressly authorized in a tribal-State compact of the invited Indian tribe approved by an Act of the legislature of the State in which the gaming will be conducted; and

"(C) specifically identified as expressly authorized in a tribal-State compact of the invited Indian tribe approved by the Governor of the State in which the gaming will be conducted.

"(8) Host tribe compacts shall not be affected by the amendments made by this subsection.

"(f) An Indian tribe shall not conduct gaming regulated by this Act on Indian lands outside of the State in which the Indian tribe is primarily residing and exercising tribal government authority on the date of the enactment of this subsection, unless such Indian lands are contiguous to the lands in the State where the tribe is primarily residing and exercising tribal government authority."

SEC. 3. STATUTORY CONSTRUCTION.

(a) IN GENERAL.—The amendment made by paragraph (1) of section 2 shall be applied prospectively. Compacts or other agreements that govern gaming regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on Indian lands that were in effect on the date of the enactment of this Act shall not be affected by the amendments made by paragraph (1) of section 2.

(b) EXCEPTION.—The amendments made by section 2 shall not apply to any lands for which an Indian tribe, prior to March 7, 2006, has submitted to the Secretary or Chairman a fee-to-trust application or written request requiring an eligibility determination pursuant to section 20(b)(1)(A) or clause (ii) or (iii) of section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(A), 2719(b)(1)(B)(ii), and 2719(b)(1)(B)(iii), respectively); provided that such lands are located within—

(1) the State where the Indian tribe primarily resides; and

(2) an area where the Indian Tribe has a primary geographical, historical, and temporal nexus.

(c) FURTHER EXCEPTION.—The amendments made by section 2 shall not affect the right of any Indian Tribe to conduct gaming on Indian lands that are eligible for gaming pursuant to section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719), as determined by the National Indian Gaming Commission, Secretary of the Interior or a Federal court prior to the date of the enactment of this Act.

SEC. 4. REGULATIONS REQUIRED.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall promulgate regulations to implement section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719). The regulations shall require tribal applicants for any of the exceptions listed in section 20 of the Indian Gaming Regulatory Act to have an aboriginal or analogous historic connection to the lands upon which gaming activities are conducted under the Indian Gaming Regulatory Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill has a basic premise: Indian gaming should occur on Indian lands; and when a tribe is newly recognized, restored or landless, then it has to include the local community at the table for the simple purpose of signing a memorandum of understanding to address impacts. It is as simple as that.

Unfortunately, over the last 17 years, far too many tribes have drifted away from the original purpose and spirit of the Indian Gaming Regulatory Act and have sought to develop off-reservation casinos in whatever location seemed to be the most lucrative, often far from their tribal lands. Those who have pursued this course have turned the spirit of IGRA on its head. Instead of seeking to bring economic development to the Indian reservation, they have instead sought to bring the Indian reservation to wherever there is economic development. This is wrong, and it threatens