

109TH CONGRESS  
1ST SESSION

# S. 1518

To amend the Indian Gaming Regulatory Act to modify a provision relating to the locations in which class III gaming is lawful.

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IN THE SENATE OF THE UNITED STATES

JULY 27, 2005

Mr. VOINOVICH (for himself and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To amend the Indian Gaming Regulatory Act to modify a provision relating to the locations in which class III gaming is lawful.

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. CLASS III GAMING ACTIVITIES.**

4       (a) DEFINITIONS.—Section 4 of the Indian Gaming  
5       Regulatory Act (25 U.S.C. 2703) is amended by adding  
6       at the end the following:

7               “(11) COMMERCIAL PURPOSE.—

8                       “(A) IN GENERAL.—The term ‘commercial  
9                       purpose’, with respect to a gaming activity

1 under this Act, means a gaming activity oper-  
 2 ated on a for-profit basis.

3 “(B) EXCLUSION.—The term ‘commercial  
 4 purpose’, with respect to a gaming activity  
 5 under this Act, does not include any gaming ac-  
 6 tivity operated on a charitable or nonprofit  
 7 basis.”.

8 (b) GAMING ACTIVITIES.—Section 11(d) of the In-  
 9 dian Gaming Regulatory Act (25 U.S.C. 2710(d)) is  
 10 amended by striking paragraph (1) and inserting the fol-  
 11 lowing:

12 “(1) CLASS III GAMING ACTIVITIES.—

13 “(A) IN GENERAL.—A class III gaming ac-  
 14 tivity shall be lawful on Indian land only if the  
 15 activity is—

16 “(i) authorized by an ordinance or  
 17 resolution that—

18 “(I) is adopted by the governing  
 19 body of the Indian tribe that has ju-  
 20 risdiction over the Indian land on  
 21 which the activity is proposed to be  
 22 conducted;

23 “(II) meets the requirements of  
 24 subsection (b); and

1                   “(III) is approved by the Chair-  
2                   man;

3                   “(ii) subject to subparagraph (B), lo-  
4                   cated in a State that expressly permits the  
5                   activity for any commercial purpose by any  
6                   person, organization, or entity in the con-  
7                   stitution of the State or any law of the  
8                   State; and

9                   “(iii) conducted in accordance with a  
10                  Tribal-State compact entered into by the  
11                  Indian tribe and the State under para-  
12                  graph (3) that is in effect on the date on  
13                  which the ordinance or resolution relating  
14                  to the activity is submitted to the Chair-  
15                  man under paragraph (2).

16                  “(B) CERTAIN STATES.—A class III gam-  
17                  ing activity conducted under subparagraph  
18                  (A)(ii) shall be conducted in accordance with  
19                  the applicable laws (including regulations) of  
20                  the State in which the activity is located, in-  
21                  cluding restrictions on the timing or frequency  
22                  of the gaming activity.”.

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