



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

NOV 18 2010

The Honorable Tom Cole
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Cole:

Thank you for your November 9, 2010, letter to Assistant Secretary of the Interior for Indian Affairs Larry Echohawk in which you request information related to drafting assistance provided by the Department of the Interior for a Member of Congress. Assistant Secretary Echohawk has asked that our office respond to you.

The legislation mentioned in your letter was prepared in response to a request from a Member of Congress for technical drafting assistance on legislative language. As noted in the Department of the Interior's Departmental Manual at 461 DM 1, drafting assistance is a service that the Department, through the Office of Congressional and Legislative Affairs, provides for Members of Congress. All draft legislation prepared as a service is, upon completion, transmitted to the requesting member under a letter to the requester that is signed by the Department's Legislative Counsel and that clearly states that the draft legislation has been prepared as a service to the Member; that it has not been reviewed within the Department or cleared by the Office of Management and Budget; and that the Department can make no commitment concerning the position of the Department on the legislation for this reason. The specific Departmental Manual provisions for this service, which is available to all Members of Congress, can be found at: http://elips.doi.gov/app_dm/act_getfiles.cfm?relnum=3654.

In addition, similar instructions for preparing drafting services for Members of Congress are given in Office of Management and Budget Circular A-19, OMB's instruction document to federal agencies for coordination of legislative activities. Those instructions can be found at: http://www.whitehouse.gov/omb/circulars_a019/#attachb.

Enclosed with this letter is a final version of the draft legislation dated November 3, 2010, that was prepared as a service to the Member and a transmittal letter that includes the above-mentioned required statements.

Please let me know if you have any questions relating to this matter.

Sincerely,

Christopher J. Mansour
Director, Office of Congressional
and Legislative Affairs
U.S. Department of the Interior



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NOV - 3 2010

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

In accordance with your request to the Department of the Interior we have prepared the enclosed draft of legislative language to place requirements on certain lands to be used for the purposes of Indian gaming.

This draft legislation has been prepared as a service to you. It has not been reviewed within the Department of the Interior or cleared by the Office of Management and Budget. We can, therefore, make no commitment at this time concerning the position of the Department on this draft legislation.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and Legislative
Affairs

Enclosure

(a) **IN GENERAL.**—For fiscal year 2011 and each fiscal year thereafter, in addition to any other requirements under applicable Federal law, gaming shall not be conducted on land taken into trust by the Federal Government after the date of enactment of this Act, unless the Secretary of the Interior determines when taking land into trust for gaming purposes that the Indian tribe demonstrates —

- (1) a substantial direct modern connection to the land taken into trust; and
- (2) a substantial direct aboriginal connection to the land taken into trust.

(b) **APPLICABILITY.**—

(1) Subsection (a) shall not apply---

(A) to such lands that are located within or contiguous to the boundaries of the reservation of the Indian tribe on October 17, 1988; or

(B) if the Indian tribe has no reservation on October 17, 1988, and -

(i) such lands are located in Oklahoma and -

(I) are within the boundaries of the Indian tribe's former reservation, as defined by the Secretary, or

(II) are contiguous to other land held in trust or restricted status by the United States for the Indian tribe in Oklahoma; or

(ii) such lands are located in a State other than Oklahoma and are within the Indian tribe's last recognized reservation within the State or States within which such Indian tribe is presently located.

(2) This section shall not apply to a final agency decision issued before the date of enactment of this Act.