

114TH CONGRESS  
2D SESSION

# H. R. 5079

To amend the Indian Gaming Regulatory Act to require that, in California, certain off-reservation gaming proposals shall be subject to the full ratification and referendum process established by California State law, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2016

Mr. LAMALFA (for himself, Mr. RUIZ, Mr. DENHAM, Mr. COOK, and Mr. HUFFMAN) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Indian Gaming Regulatory Act to require that, in California, certain off-reservation gaming proposals shall be subject to the full ratification and referendum process established by California State law, 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 “California Compact  
5       Protection Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) With the passage of the Indian Gaming  
2           Regulatory Act (25 U.S.C. 2701 et seq.), Congress  
3           provided a statutory basis for the operation of gam-  
4           ing by federally recognized Indian tribes as a means  
5           of promoting tribal economic development, self-suffi-  
6           ciency, and strong tribal governments.

7           (2) The Indian Gaming Regulatory Act defines  
8           three classes of gaming, specifying that class III  
9           gaming may only be conducted in States that have  
10          authorized gaming and pursuant to Tribal-State  
11          compacts negotiated in good faith through the gov-  
12          ernment-to-government relationship between feder-  
13          ally recognized Indian tribes and States.

14          (3) With the passage of Proposition 1A in  
15          2000, the voters of California amended the State  
16          Constitution to authorize the operation of class III  
17          gaming by federally recognized Indian tribes on In-  
18          dian lands in California in accordance with Federal  
19          law. Proposition 1A also authorized the Governor of  
20          California to negotiate gaming compacts with such  
21          tribes, subject to ratification by the State legislature.

22          (4) Under California law, actions by the State  
23          legislature, including the ratification of gaming com-  
24          pacts, are subject to California's referendum proc-  
25          ess. Under that process, the State legislature's rati-

1        fication of a gaming compact does not go into effect  
2        if California voters qualify a referendum vote on  
3        that compact. If such a referendum is qualified, the  
4        Compact only goes into effect after voter approval of  
5        the legislature's decision.

6            (5) This referendum process serves as a form of  
7        democratic oversight of the California Governor and  
8        State legislature.

9            (6) In passing the Indian Gaming Regulatory  
10       Act, Congress intended to respect the individual  
11       States' authority to determine their own public pol-  
12       icy and to negotiate and conclude gaming compacts  
13       pursuant to each State's laws.

14           (7) The Tribal-State gaming compact process in  
15       California is undermined if the Secretary of the In-  
16       terior prescribes Federal procedures under which  
17       class III gaming may be conducted on the land made  
18       eligible for Indian gaming pursuant to section  
19       20(b)(1)(A) of the Indian Gaming Regulatory Act  
20       (25 U.S.C. 2719 (b)(1)(A)), when the compact for  
21       gaming on that land was not ratified by the State  
22       Legislature or was rejected by a constitutionally  
23       called referendum.

24           (8) Congress reaffirms the importance of sec-  
25       tion 20(b)(1)(A) of the Indian Gaming Regulatory

1 Act (25 U.S.C. 2719(b)(1)(A)), the statutory au-  
 2 thority by which federally recognized Indian tribes  
 3 can acquire certain gaming lands eligible for gaming  
 4 purposes outside of their reservation boundaries.  
 5 This section provides State and tribal governments  
 6 with the flexibility to locate tribal government gam-  
 7 ing facilities on newly acquired land at the most ap-  
 8 propriate locations. However, Congress did not in-  
 9 tend for this section to allow for tribal gaming facili-  
 10 ties on after-acquired lands over the express objec-  
 11 tion of the voters of the State.

12 (9) It is in the interest of the Federal Govern-  
 13 ment, States, and federally recognized Indian tribes  
 14 that Congress require that, in California, off-reserva-  
 15 tion gaming proposals be subject to the full ratifica-  
 16 tion and referendum process established by Cali-  
 17 fornia State law.

18 **SEC. 3. LIMITATION ON ACTION BY THE DEPARTMENT OF**  
 19 **THE INTERIOR ABSENT A VALID COMPACT.**

20 (a) PROHIBITION ON CERTAIN CLASS III GAMING.—  
 21 Section 11(d)(7)(B) of the Indian Gaming Regulatory Act  
 22 (25 U.S.C. 2710(d)(7)(B)) is amended by inserting after  
 23 clause (vii) the following:

24 “(viii) Notwithstanding any other provision of this  
 25 Act, for any land in California on which Indian gaming

1 was authorized under (25 U.S.C. 2719(b)(1)(A)) and for  
2 which the Legislature of the State of California did not  
3 ratify a proposed class III Tribal-State gaming compact  
4 or for which the electorate of California rejected the ap-  
5 proval of a class III Tribal-State gaming compact through  
6 a constitutionally valid referendum, the Secretary may  
7 not—

8 “(I) prescribe class III gaming procedures;

9 “(II) approve a class III gaming compact; or

10 “(III) consider a class III gaming compact to  
11 have been approved by the Secretary, if the Sec-  
12 retary does not approve or disapprove the compact  
13 before the date that is 45 days after the date on  
14 which the compact is submitted.”.

15 (b) CLARIFICATION.—Nothing in this Act or the  
16 amendment made by subsection (a) shall be interpreted  
17 to impact the implementation of authorities under the Act  
18 of June 18, 1934 (commonly known as the “Indian Reor-  
19 ganization Act”), or any other section of the Indian Gam-  
20 ing Regulatory Act.

21 (c) EFFECTIVE DATE.—The amendment made by  
22 subsection (a) shall be effective as of April 27, 2016.

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