

Tribal Gaming Eligibility Act

Introduced by Senator Dianne Feinstein

The Tribal Gaming Eligibility Act makes clarifications to the Indian Gaming Regulatory Act of 1988 (IGRA) about where and when tribes may conduct gaming on lands acquired after 1988.

Currently there are only four ways that tribes may conduct gambling on land acquired after the passage of the Indian Gaming Regulatory Act—

- 1) by obtaining local support and seeking a “two part determination”;
- 2) by obtaining a finding that the land was received for the settlement of a land claim;
- 3) by obtaining a finding that the land was taken into trust for a tribe that was recognized after the passage of the 1988 law; or
- 4) by obtaining a finding that the land was restored to a tribe that was wrongfully derecognized by the federal government.

The Feinstein legislation seeks to end the practice of “reservation shopping” when casinos are involved. The bill does this by clarifying that tribes seeking to open casinos on land acquired after the passage of the 1988 act must either:

- demonstrate both a modern and an aboriginal connection to the land they wish to game on; or
- go through the established two part determination process.

This legislation in no way affects the Secretary’s authority to take land into trust, and does not affect the ability of a tribe to conduct any non-gaming activities on their land.