

118TH CONGRESS  
1ST SESSION

# S. 1536

To ensure that all federally recognized Indian Tribes that are eligible for gaming in the United States are regulated under the Indian Gaming Regulatory Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 10, 2023

Mr. HEINRICH (for himself, Mr. TESTER, Ms. SMITH, and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To ensure that all federally recognized Indian Tribes that are eligible for gaming in the United States are regulated under the Indian Gaming Regulatory Act, 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 “Tribal Gaming Regu-  
5       latory Compliance Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

1           (1) in 1987, the Supreme Court of the United  
2 States ruled in *California v. Cabazon Band of Mis-*  
3 *sion Indians*, 480 U.S. 202 (1987), that, if Cali-  
4 fornia regulated rather than prohibited gaming in  
5 the State, an Indian Tribe could offer similar forms  
6 of gaming on Tribal land;

7           (2) in response to *California v. Cabazon Band*  
8 *of Mission Indians*, 480 U.S. 202 (1987), Congress  
9 enacted the Indian Gaming Regulatory Act (25  
10 U.S.C. 2701 et seq.), which has since supported and  
11 promoted Tribal economic development, and self-suf-  
12 ficiency and provides a regulatory structure for gam-  
13 ing on Tribal land;

14           (3) as of 2023, more than 200 Indian Tribes in  
15 28 States are regulated under that Act;

16           (4) on June 15, 2022, the Supreme Court of  
17 the United States ruled that the Ysleta del Sur  
18 Pueblo and Alabama and Coughatta Indian Tribes of  
19 Texas Restoration Act (Public Law 100–89; 101  
20 Stat. 666) allows the Ysleta del Sur Pueblo and the  
21 Alabama-Coughatta Tribe to offer gaming activities  
22 on Tribal land that are not fully prohibited by Texas  
23 law and without regard to any State regulations over  
24 the gaming activities; and

1           (5) as of 2023, the Ysleta del Sur Pueblo and  
2           the Alabama-Coushatta Tribes are the only Indian  
3           Tribes in the United States that are eligible to game  
4           on Tribal land but not regulated under the Indian  
5           Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

6   **SEC. 3. RULE OF CONSTRUCTION AND GAMING ACTIVITIES.**

7           (a) **RULE OF CONSTRUCTION.**—The Ysleta del Sur  
8           Pueblo and Alabama and Coushatta Indian Tribes of  
9           Texas Restoration Act (Public Law 100–89; 101 Stat.  
10          666) is amended by inserting after section 2 the following:

11   **“SEC. 3. RULE OF CONSTRUCTION.**

12          “Nothing in this Act precludes or limits the applica-  
13          bility of the Indian Gaming Regulatory Act (25 U.S.C.  
14          2701 et seq.).”.

15          (b) **GAMING ACTIVITIES.**—Sections 107 and 207 of  
16          the Ysleta del Sur Pueblo and Alabama and Coushatta  
17          Indian Tribes of Texas Restoration Act (Public Law 100–  
18          89; 101 Stat. 668, 672) are repealed.

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