

IGRA to mean that class III gaming in a particular State is limited under the Federal law to the specific activities that are permitted under that State's laws.

In July 2005, the Tenth Circuit Court of Appeals revealed that these uncertainties continue when it ruled in favor of the Northern Arapaho tribe in their efforts to build a casino, with "Vegas Style" gambling in Wyoming. In this instance, the tribe argued that it is entitled to offer full Class III gambling because the State allows casino style activities for social or nonprofit purposes.

In Ohio, gambling for commercial purposes is prohibited by the State Constitution. However, pari-mutuel racing and lottery are both permitted as well as charitable gambling on a very limited and controlled basis.

The bill I am introducing today will clarify that Class III gambling under IGRA applies only on an activity-by-activity basis, rather than in a class-wide sense.

I have been a long time supporter of a ban on casino gambling and have taken steps to keep casino gambling out of Ohio. As Mayor of Cleveland and as Governor of Ohio, I worked to inform Ohioans of the negative impact casino gambling has on our families and our economy, leading to gambling's defeat at the polls. These initiatives proved to be successful and have kept legalized gambling under control in Ohio.

My introduction of this legislation comes at a time when the progress we've made is in danger of being compromised. Across the country, Indian tribes are looking to expand gambling and even looking at a State like Ohio where gambling is illegal. The distinction in my bill is necessary to help control the explosive growth of tribal casinos nationwide.

I call on my colleagues to join us in cosponsoring this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1518

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CLASS III GAMING ACTIVITIES.**

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

"(1) COMMERCIAL PURPOSE.—

"(A) IN GENERAL.—The term 'commercial purpose', with respect to a gaming activity under this Act, means a gaming activity operated on a for-profit basis.

"(B) EXCLUSION.—The term 'commercial purpose', with respect to a gaming activity under this Act, does not include any gaming activity operated on a charitable or nonprofit basis."

(b) GAMING ACTIVITIES.—Section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)) is amended by striking paragraph (1) and inserting the following:

"(1) CLASS III GAMING ACTIVITIES.—

"(A) IN GENERAL.—A class III gaming activity shall be lawful on Indian land only if the activity is—

"(i) authorized by an ordinance or resolution that—

"(I) is adopted by the governing body of the Indian tribe that has jurisdiction over the Indian land on which the activity is proposed to be conducted;

"(II) meets the requirements of subsection (b); and

"(III) is approved by the Chairman;

"(ii) subject to subparagraph (B), located in a State that expressly permits the activity for any commercial purpose by any person, organization, or entity in the constitution of the State or any law of the State; and

"(iii) conducted in accordance with a Tribal-State compact entered into by the Indian tribe and the State under paragraph (3) that is in effect on the date on which the ordinance or resolution relating to the activity is submitted to the Chairman under paragraph (2).

"(B) CERTAIN STATES.—A class III gaming activity conducted under subparagraph (A)(ii) shall be conducted in accordance with the applicable laws (including regulations) of the State in which the activity is located, including restrictions on the timing or frequency of the gaming activity."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 215—DESIGNATING DECEMBER 2005 AS "NATIONAL PEAR MONTH"

Mr. SMITH (for himself, Mr. WYDEN, Mrs. MURRAY, Mrs. FEINSTEIN, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 215

Whereas pear trees imported to Oregon, Washington, and California by pioneers in the 1800s thrived in the unique agricultural conditions found in the Pacific States;

Whereas the Pacific States are internationally renowned for producing varieties of delicious, sweet, and juicy pears;

Whereas the Pacific States form the only geographic region in the United States with the ideal combination of climate and geography needed to produce high-quality, delicious summer and winter pear varieties;

Whereas the rich pear-growing region stretches from the Central Valley of California, through the Rogue River Valley in southern Oregon, and to the banks of the Columbia River in Oregon and Washington;

Whereas pears are a high-quality source of vitamin C, potassium, and dietary fiber, have no cholesterol, are low in calories, and complement an active lifestyle;

Whereas Oregon, Washington, and California are world-renowned for providing beautiful and delicious pears;

Whereas the United States does not have an official pear month; and

Whereas designating December 2005 as "National Pear Month" would be a suitable recognition of the affection the people of the United States hold for pears and the healthful benefits of pears: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 2005 as "National Pear Month"; and

(2) encourages the people of the United States to observe the month with appropriate ceremonies, activities, and consumption.

SENATE RESOLUTION 216—EXPRESSING GRATITUDE AND APPRECIATION TO THE MEN AND WOMEN OF THE UNITED STATES ARMED FORCES WHO SERVED IN WORLD WAR II, COMMENDING THE ACTS OF HEROISM DISPLAYED BY THOSE SERVICEMEMBERS, AND RECOGNIZING THE "GREATEST GENERATION HOMECOMING WEEKEND" TO BE HELD IN PITTSBURGH, PENNSYLVANIA

Mr. SANTORUM (for himself and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 216

Whereas World War II began on September 1, 1939, when Nazi Germany invaded Poland without a declaration of war and then moved, following the surrender of Poland, to invade and occupy Denmark, Norway, Luxembourg, the Netherlands, and Belgium;

Whereas following the premeditated invasion by Japan on the United States at Pearl Harbor, Hawaii, on December 7, 1941, the United States declared war on Japan and entered World War II on the side of freedom and democracy;

Whereas when the fate of the free world was in jeopardy as a direct result of the desire of Adolf Hitler and the Nazi regime for world conquest, the servicemembers of the United States Armed Forces known as the "Greatest Generation" assumed the task of freeing the world of Nazism, fascism, and tyranny;

Whereas more than 16,000,000 Americans served in the United States Armed Forces during World War II, and millions more supported the war effort at home;

Whereas more than 400,000 brave Americans made the ultimate sacrifice during World War II in the name of freedom and in defense of the ideals that the people of the United States hold dear;

Whereas units of the United States Army, such as the 1st Infantry Division known as the "Big Red One", the 3rd Infantry Division known as the "Rock of the Marne", the 10th Armored Division known as the "Tiger Division", and the "Flying Tigers" of the 14th Air Force, valiantly fought to defeat the oppression and tyranny of the Axis Powers;

Whereas the great tragedy of World War II was the defining event of the 20th century, when the brave men and women of the United States Armed Forces fought for the common defense of the United States and for the broader causes of peace and freedom from tyranny throughout the world; and

Whereas the members of the United States Armed Forces, including the "Greatest Generation" of World War II, made sacrifices and displayed bravery and heroism in the name of freedom and democracy throughout the world: Now, therefore, be it

Resolved, That the Senate—

(1) expresses appreciation to the members of the United States Armed Forces who served during World War II, for—

(A) the selfless service of those servicemembers to the United States;

(B) restoring freedom to the world; and

(C) defeating the elements of evil and oppression;

(2) commends the heroism and bravery displayed by the members of the United States Armed Forces who served during World War II, known as the "Greatest Generation", in the face of death and severe hardship, and honors those servicemembers who made the ultimate sacrifice;