

107TH CONGRESS
1ST SESSION

S. 832

To amend the Indian Gaming Regulatory Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2001

Mr. CAMPBELL (for himself and Mr. INOUE) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend 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 “Indian Gaming Regu-
5 latory Improvement Act of 2001”.

6 **SEC. 2. AMENDMENTS TO THE INDIAN GAMING REGU-**
7 **LATORY ACT.**

8 The Indian Gaming Regulatory Act (25 U.S.C. 2701 et
9 seq.) is amended—

10 (1) in section 4(7) (25 U.S.C. 2703(7)), by
11 adding at the end the following:

“(G) Notwithstanding any other provision of law, sections 1 through 7 of the Act of January 2, 1951 (commonly known as the Gambling Devices Transportation Act (15 U.S.C. 1171–1177)) shall not apply to any gaming described in subparagraph (A)(i) (class II gaming) where electronic, computer, or other technologic aids are used in connection with any such gaming.”;

(2) in section 7 (25 U.S.C. 2706)—

(A) in subsection (c)—

(i) in paragraph (3), by striking “and” at the end thereof;

(ii) by redesignating paragraph (4) as paragraph (5); and

(iii) by inserting after paragraph (3), the following:

“(4) the strategic plan for Commission activities.”; and

(B) by adding at the end the following:

“(d) STRATEGIC PLAN.—

“(1) IN GENERAL.—The strategic plan required under subsection (c)(4) shall include—

“(A) a comprehensive mission statement covering the major functions and operations of the Commission;

1 “(B) the general goals and objectives, in-
2 cluding outcome-related goals and objectives,
3 for the major functions and operations of the
4 Commission;

5 “(C) a description of how the general goals
6 and objectives are to be achieved, including a
7 description of the operational processes, skills
8 and technology, and the human, capital, infor-
9 mation, and other resources required to meet
10 those goals and objectives;

11 “(D) a performance plan that shall be re-
12 lated to the general goals and objectives of the
13 strategic plan;

14 “(E) an identification of the key factors
15 external to the Commission and beyond its con-
16 trol that could significantly affect the achieve-
17 ment of the general goals and objectives; and

18 “(F) a description of the program evalua-
19 tions used in establishing or revising the gen-
20 eral goals and objectives, with a schedule for fu-
21 ture program evaluations.

22 “(2) TERM OF PLAN.—The strategic plan shall
23 cover a period of not less than 5 fiscal years begin-
24 ning with the fiscal year in which the plan is sub-

mitted. The strategic plan shall be updated and revised at least every 4 years.

“(3) PERFORMANCE PLAN.—The performance plan under paragraph (1)(D) shall be consistent with the strategic plan. In developing the performance plan, the Commission should be consistent with the requirements of section 1115 of title 31, United States Code (the Government Performance and Results Act).

“(4) CONSULTATION.—In developing the strategic plan, the Commission shall consult with the Congress and tribal governments, and shall solicit and consider the views and suggestions of those entities that may be potentially affected by or interested in such a plan.”;

(3) in section 11(b)(2)(F)(i) (25 U.S.C. 2710(b)(2)(F)(i)), by striking “primary management” and all that follows through “such officials” and inserting “tribal gaming commissioners, key tribal gaming commission employees, and primary management officials and key employees of the gaming enterprise and that oversight of primary management officials and key employees”;

(4) in section 18(a) (25 U.S.C. 2717(a))—

1 (A) in paragraph (1), by striking “by
2 each” and all that follows through the period
3 and inserting “pursuant to section 22(a)”;

4 (B) by striking paragraphs (2) and (3);
5 and

6 (C) by redesignating paragraphs (4)
7 through (6) as paragraphs (2) through (4), re-
8 spectively;

9 (5) by redesignating section 22 (25 U.S.C.
10 2721) as section 25; and

11 (6) by inserting after section 21 (25 U.S.C.
12 2720) the following:

13 **“SEC. 22. FEE ASSESSMENTS.**

14 **“(a) ESTABLISHMENT OF SCHEDULE OF FEES.—**

15 **“(1) IN GENERAL.—**Except as provided in this
16 section, the Commission shall establish a schedule of
17 fees to be paid annually to the Commission by each
18 gaming operation that conducts a class II or class
19 III gaming activity that is regulated by this Act.

20 **“(2) RATES.—**The rate of fees under the sched-
21 ule established under paragraph (1) that are im-
22 posed on the gross revenues from each activity de-
23 scribed in such paragraph shall be as follows:

1 “(A) A fee of not more than 2.5 percent
2 shall be imposed on the first \$1,500,000 of
3 such gross revenues.

4 “(B) A fee of not more than 5 percent
5 shall be imposed on amounts in excess of the
6 first \$1,500,000 of such gross revenues.

7 “(3) TOTAL AMOUNT.—The total amount of all
8 fees imposed during any fiscal year under the sched-
9 ule established under paragraph (1) shall not exceed
10 \$8,000,000.

11 “(b) COMMISSION AUTHORIZATION.—

12 “(1) IN GENERAL.—By a vote of not less than
13 2 members of the Commission the Commission shall
14 adopt the schedule of fees provided for under this
15 section. Such fees shall be payable to the Commis-
16 sion on a quarterly basis.

17 “(2) FEES ASSESSED FOR SERVICES.—The ag-
18 gregate amount of fees assessed under this section
19 shall be reasonably related to the costs of services
20 provided by the Commission to Indian tribes under
21 this Act (including the cost of issuing regulations
22 necessary to carry out this Act). In assessing and
23 collecting fees under this section, the Commission
24 shall take into account the duties of, and services
25 provided by, the Commission under this Act.

1 “(3) RULEMAKING.—The Commission shall
2 promulgate regulations as may be necessary to carry
3 out this subsection.

4 “(4) CONSULTATION.—In establishing a sched-
5 ule of fees under this section, the Commission shall
6 consult with Indian tribes.

7 “(c) FEE REDUCTION PROGRAM.—

8 “(1) IN GENERAL.—In making a determination
9 of the amount of fees to be assessed for any class
10 II or class III gaming activity under the schedule of
11 fees under this section, the Commission may provide
12 for a reduction in the amount of fees that otherwise
13 would be collected on the basis of the following fac-
14 tors:

15 “(A) The extent of the regulation of the
16 gaming activity involved by a State or Indian
17 tribe (or both).

18 “(B) The extent of self-regulating activi-
19 ties, as defined by this Act, conducted by the
20 Indian tribe.

21 “(C) Other factors determined by the Com-
22 mission, including

23 “(i) the unique nature of tribal gam-
24 ing as compared to commercial gaming,

1 other governmental gaming, and charitable
 2 gaming;

3 “(ii) the broad variations in the na-
 4 ture, scale, and size of tribal gaming activ-
 5 ity;

6 “(iii) the inherent sovereign rights of
 7 Indian tribes with respect to regulating the
 8 affairs of Indian tribes;

9 “(iv) the findings and purposes under
 10 sections 2 and 3;

11 “(v) the amount of interest or invest-
 12 ment income derived from the Indian gam-
 13 ing regulation accounts; and

14 “(vi) any other matter that is con-
 15 sistent with the purposes under section 3.

16 “(2) RULEMAKING.—The Commission shall
 17 promulgate regulations as may be necessary to carry
 18 out this subsection.

19 “(3) CONSULTATION.—In establishing any fee
 20 reduction program under this subsection, the Com-
 21 mission shall consult with Indian tribes.

22 “(d) INDIAN GAMING REGULATION ACCOUNTS.—

23 “(1) IN GENERAL.—All fees and civil forfeitures
 24 collected by the Commission pursuant to this Act
 25 shall be maintained in separate, segregated ac-

1 counts, and shall only be expended for purposes set
2 forth in this Act.

3 “(2) INVESTMENTS.—It shall be the duty of the
4 Commission to invest such portion of the accounts
5 maintained under paragraph (1) as are not, in the
6 judgment of the Commission, required to meet im-
7 mediate expenses. The Commission shall invest the
8 amounts deposited under this Act only in interest-
9 bearing obligations of the United States or in obliga-
10 tions guaranteed as to both principal and interest by
11 the United States.

12 “(3) SALE OF OBLIGATIONS.—Any obligation
13 acquired by the accounts maintained under para-
14 graph (1), except special obligations issued exclu-
15 sively to such accounts, may be sold by the Commis-
16 sion at the market price, and such special obliga-
17 tions may be redeemed at par plus accrued interest.

18 “(4) CREDITS TO THE INDIAN GAMING REGU-
19 LATORY ACCOUNTS.—The interest on, and proceeds
20 from, the sale or redemption of any obligations held
21 in the accounts maintained under paragraph (1)
22 shall be credited to and form a part of such ac-
23 counts.

1 **“SEC. 23. MINIMUM STANDARDS.**

2 “(a) CLASS I GAMING.—Notwithstanding any other
3 provision of law, class I gaming on Indian lands shall be
4 within the exclusive jurisdiction of the Indian tribes and
5 shall not be subject to the provisions of this Act.

6 “(b) CLASS II GAMING.—Effective on the date of en-
7 actment of this section, an Indian tribe shall retain pri-
8 mary jurisdiction to regulate class II gaming activities
9 which, at a minimum, shall be conducted in conformity
10 with section 11 and regulations promulgated pursuant to
11 subsection (d).

12 “(c) CLASS III GAMING.—Effective on the date of en-
13 actment of this section, an Indian tribe shall retain pri-
14 mary jurisdiction to regulate class III gaming activities
15 authorized under this Act. Any class III gaming operated
16 by an Indian tribe pursuant to this Act shall be conducted
17 in conformity with section 11 and regulations promulgated
18 pursuant to subsection (d).

19 “(d) RULEMAKING.—

20 “(1) IN GENERAL.—

21 “(A) PROMULGATION.—Not later than 180
22 days after the date of enactment of the Indian
23 Gaming Regulatory Improvement Act of 2001,
24 the Commission shall develop procedures under
25 subchapter III of chapter 5 of title 5, United

1 States Code, to negotiate and promulgate regu-
2 lations relating to—

3 “(i) the monitoring and regulation of
4 tribal gaming;

5 “(ii) the establishment and regulation
6 of internal control systems; and

7 “(iii) the conduct of background in-
8 vestigation.

9 “(B) PUBLICATION OF PROPOSED REGULA-
10 TIONS.—Not later than 1 year after the date of
11 enactment of the Indian Gaming Regulatory
12 Improvement Act of 2001, the Commission
13 shall publish in the Federal Register proposed
14 regulations developed by a negotiated rule-
15 making committee pursuant to this section.

16 “(2) COMMITTEE.—A negotiated rulemaking
17 committee established pursuant to section 565 of
18 title 5, United States Code, to carry out this sub-
19 section shall be composed only of Federal and Indian
20 tribal government representatives, a majority of
21 whom shall be nominated by and be representative
22 of Indian tribes that conduct gaming pursuant to
23 this Act.

24 “(e) EXISTING REGULATIONS.—Regulations that es-
25 tablish minimum internal control standards that are pro-

1 mulgated by the Commission and in effect on the date of
 2 enactment of this section shall, effective on the date that
 3 is 1 year after such date of enactment, have no force or
 4 effect.

5 **“SEC. 24. USE OF NATIONAL INDIAN GAMING COMMISSION**
 6 **CIVIL FINES.**

7 “(a) IN GENERAL.—Amounts collected by the Com-
 8 mission pursuant to section 14 shall be deposited in a sep-
 9 arate Indian gaming regulation account as established
 10 under section 22(d). Funds in such accounts shall be
 11 available to the Commission, as provided for in advance
 12 in appropriations Acts, for carrying out this Act.

13 “(b) USE OF FUNDS.—The Commission may provide
 14 grants and technical assistance to Indian tribes from any
 15 funds secured by the Commission pursuant to section 14,
 16 which funds shall be made available only for the following
 17 purposes:

18 “(1) To provide technical training and other as-
 19 sistance to Indian tribes to strengthen the regulatory
 20 integrity of Indian gaming.

21 “(2) To provide assistance to Indian tribes to
 22 assess the feasibility of non-gaming economic devel-
 23 opment activities on Indian lands.

1 “(3) To provide assistance to Indian tribes to
2 devise and implement programs and treatment serv-
3 ices for individuals diagnosed as problem gamblers.

4 “(4) To provide other forms of assistance to In-
5 dian tribes not inconsistent with the Indian Gaming
6 Regulatory Act.

7 “(c) SOURCE OF FUNDS.—Amounts used to carry out
8 subsection (b) may only be drawn from funds—

9 “(1) collected by the Commission pursuant to
10 section 14; and

11 “(2) the use of which has been authorized in
12 advance by an appropriations Act.

13 “(d) CONSULTATION.—In carrying out this section,
14 the Commission shall consult with Indian tribes and any
15 other appropriate tribal or Federal officials.

16 “(e) REGULATIONS.—The Commission may promul-
17 gate such regulations as may be necessary to carry out
18 this section.”.

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