

In the Senate of the United States,

July 17, 1996.

Resolved, That the bill from the House of Representatives (H.R. 497) entitled “An Act to create the National Gambling Impact and Policy Commission”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “National Gambling Im-*
3 *pact Study Commission Act”.*

4 ***SEC. 2. FINDINGS.***

5 *The Congress finds that—*

6 *(1) the most recent Federal study of gambling in*
7 *the United States was completed in 1976;*

8 *(2) legalization of gambling has increased sub-*
9 *stantially over the past 20 years, and State, local,*
10 *and Native American tribal governments have estab-*

1 lished gambling as a source of jobs and additional
2 revenue;

3 (3) the growth of various forms of gambling, in-
4 cluding electronic gambling and gambling over the
5 Internet, could affect interstate and international
6 matters under the jurisdiction of the Federal Govern-
7 ment;

8 (4) questions have been raised regarding the so-
9 cial and economic impacts of gambling, and Federal,
10 State, local, and Native American tribal governments
11 lack recent, comprehensive information regarding
12 those impacts; and

13 (5) a Federal commission should be established to
14 conduct a comprehensive study of the social and eco-
15 nomic impacts of gambling in the United States.

16 **SEC. 3. NATIONAL GAMBLING IMPACT STUDY COMMISSION.**

17 (a) *ESTABLISHMENT OF COMMISSION.*—There is estab-
18 lished a commission to be known as the National Gambling
19 Impact Study Commission (hereinafter referred to in this
20 Act as “the Commission”). The Commission shall—

21 (1) be composed of 9 members appointed in ac-
22 cordance with subsection (b); and

23 (2) conduct its business in accordance with the
24 provisions of this Act.

25 (b) *MEMBERSHIP.*—

1 (1) *IN GENERAL.*—*The Commissioners shall be*
2 *appointed for the life of the Commission as follows:*

3 (A) *3 shall be appointed by the President of*
4 *the United States.*

5 (B) *3 shall be appointed by the Speaker of*
6 *the House of Representatives.*

7 (C) *3 shall be appointed by the Majority*
8 *Leader of the Senate.*

9 (2) *PERSONS ELIGIBLE.*—*The members of the*
10 *Commission shall be individuals who have knowledge*
11 *or expertise, whether by experience or training, in*
12 *matters to be studied by the Commission under sec-*
13 *tion 4. The members may be from the public or pri-*
14 *vate sector, and may include Federal, State, local, or*
15 *Native American tribal officers or employees, members*
16 *of academia, non-profit organizations, or industry, or*
17 *other interested individuals.*

18 (3) *CONSULTATION REQUIRED.*—*The President,*
19 *the Speaker of the House of Representatives, and the*
20 *Majority Leader of the Senate shall consult among*
21 *themselves prior to the appointment of the members of*
22 *the Commission in order to achieve, to the maximum*
23 *extent possible, fair and equitable representation of*
24 *various points of view with respect to the matters to*
25 *be studied by the Commission under section 4.*

1 (4) *COMPLETION OF APPOINTMENTS; VACAN-*
2 *CIES.—The President, the Speaker of the House of*
3 *Representatives, and the Majority Leader of the Sen-*
4 *ate shall conduct the consultation required under*
5 *paragraph (3) and shall each make their respective*
6 *appointments not later than 60 days after the date of*
7 *enactment of this Act. Any vacancy that occurs dur-*
8 *ing the life of the Commission shall not affect the*
9 *powers of the Commission, and shall be filled in the*
10 *same manner as the original appointment not later*
11 *than 60 days after the vacancy occurs.*

12 (5) *OPERATION OF THE COMMISSION.—*

13 (A) *CHAIRMANSHIP.—The President, the*
14 *Speaker of the House of Representatives, and the*
15 *Majority Leader of the Senate shall jointly des-*
16 *ignate one member as the Chairman of the Com-*
17 *mission. In the event of a disagreement among*
18 *the appointing authorities, the Chairman shall*
19 *be determined by a majority vote of the appoint-*
20 *ing authorities. The determination of which*
21 *member shall be Chairman shall be made not*
22 *later than 15 days after the appointment of the*
23 *last member of the Commission, but in no case*
24 *later than 75 days after the date of enactment of*
25 *this Act.*

1 (B) *MEETINGS.*—*The Commission shall*
2 *meet at the call of the Chairman. The initial*
3 *meeting of the Commission shall be conducted*
4 *not later than 30 days after the appointment of*
5 *the last member of the Commission, or not later*
6 *than 30 days after the date on which appro-*
7 *priated funds are available for the Commission,*
8 *whichever is later.*

9 (C) *QUORUM; VOTING; RULES.*—*A majority*
10 *of the members of the Commission shall con-*
11 *stitute a quorum to conduct business, but the*
12 *Commission may establish a lesser quorum for*
13 *conducting hearings scheduled by the Commis-*
14 *sion. Each member of the Commission shall have*
15 *one vote, and the vote of each member shall be*
16 *accorded the same weight. The Commission may*
17 *establish by majority vote any other rules for the*
18 *conduct of the Commission's business, if such*
19 *rules are not inconsistent with this Act or other*
20 *applicable law.*

21 **SEC. 4. DUTIES OF THE COMMISSION.**

22 (a) *STUDY.*—

23 (1) *IN GENERAL.*—*It shall be the duty of the*
24 *Commission to conduct a comprehensive legal and*

1 *factual study of the social and economic impacts of*
2 *gambling in the United States on—*

3 *(A) Federal, State, local, and Native Amer-*
4 *ican tribal governments; and*

5 *(B) communities and social institutions*
6 *generally, including individuals, families, and*
7 *businesses within such communities and institu-*
8 *tions.*

9 *(2) MATTERS TO BE STUDIED.—The matters*
10 *studied by the Commission under paragraph (1) shall*
11 *at a minimum include—*

12 *(A) a review of existing Federal, State,*
13 *local, and Native American tribal government*
14 *policies and practices with respect to the legal-*
15 *ization or prohibition of gambling, including a*
16 *review of the costs of such policies and practices;*

17 *(B) an assessment of the relationship be-*
18 *tween gambling and levels of crime, and of exist-*
19 *ing enforcement and regulatory practices that*
20 *are intended to address any such relationship;*

21 *(C) an assessment of pathological or prob-*
22 *lem gambling, including its impact on individ-*
23 *uals, families, businesses, social institutions, and*
24 *the economy;*

1 (D) an assessment of the impacts of gam-
2 bling on individuals, families, businesses, social
3 institutions, and the economy generally, includ-
4 ing the role of advertising in promoting gam-
5 bling and the impact of gambling on depressed
6 economic areas;

7 (E) an assessment of the extent to which
8 gambling provides revenues to State, local, and
9 Native American tribal governments, and the ex-
10 tent to which possible alternative revenue sources
11 may exist for such governments; and

12 (F) an assessment of the interstate and
13 international effects of gambling by electronic
14 means, including the use of interactive tech-
15 nologies and the Internet.

16 (b) *REPORT.*—No later than 2 years after the date on
17 which the Commission first meets, the Commission shall
18 submit to the President, the Congress, State Governors, and
19 Native American tribal governments a comprehensive re-
20 port of the Commission’s findings and conclusions, together
21 with any recommendations of the Commission. Such report
22 shall include a summary of the reports submitted to the
23 Commission by the Advisory Commission on Intergovern-
24 mental Relations and National Research Council under sec-

tion 7, as well as a summary of any other material relied on by the Commission in the preparation of its report.

SEC. 5. POWERS OF THE COMMISSION.

(a) *HEARINGS.*—

(1) *IN GENERAL.*—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 4.

(2) *WITNESS EXPENSES.*—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(b) *SUBPOENAS.*—

(1) *IN GENERAL.*—If a person fails to supply information requested by the Commission, the Commission may by majority vote require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out its duties under section 4. The Commission shall transmit to the Attorney General a confidential, written notice at least 10 days in ad-

1 *vance of the issuance of any such subpoena. A sub-*
2 *poena under this paragraph may require the produc-*
3 *tion of materials from any place within the United*
4 *States.*

5 (2) *INTERROGATORIES.*—*The Commission may,*
6 *with respect only to information necessary to under-*
7 *stand any materials obtained through a subpoena*
8 *under paragraph (1), issue a subpoena requiring the*
9 *person producing such materials to answer, either*
10 *through a sworn deposition or through written an-*
11 *swers provided under oath (at the election of the per-*
12 *son upon whom the subpoena is served), to interrog-*
13 *atories from the Commission regarding such informa-*
14 *tion. A complete recording or transcription shall be*
15 *made of any deposition made under this paragraph.*

16 (3) *CERTIFICATION.*—*Each person who submits*
17 *materials or information to the Commission pursuant*
18 *to a subpoena issued under paragraph (1) or (2) shall*
19 *certify to the Commission the authenticity and com-*
20 *pleteness of all materials or information submitted.*
21 *The provisions of section 1001 of title 18, United*
22 *States Code, shall apply to any false statements made*
23 *with respect to the certification required under this*
24 *paragraph.*

1 (4) *TREATMENT OF SUBPOENAS.*—Any subpoena
2 issued by the Commission under paragraph (1) or (2)
3 shall comply with the requirements for subpoenas is-
4 sued by a United States district court under the Fed-
5 eral Rules of Civil Procedure.

6 (5) *FAILURE TO OBEY A SUBPOENA.*—If a person
7 refuses to obey a subpoena issued by the Commission
8 under paragraph (1) or (2), the Commission may
9 apply to a United States district court for an order
10 requiring that person to comply with such subpoena.
11 The application may be made within the judicial dis-
12 trict in which that person is found, resides, or trans-
13 acts business. Any failure to obey the order of the
14 court may be punished by the court as civil contempt.

15 (c) *INFORMATION FROM FEDERAL AGENCIES.*—The
16 Commission may secure directly from any Federal depart-
17 ment or agency such information as the Commission con-
18 siders necessary to carry out its duties under section 4.
19 Upon the request of the Commission, the head of such de-
20 partment or agency may furnish such information to the
21 Commission.

22 (d) *INFORMATION TO BE KEPT CONFIDENTIAL.*—The
23 Commission shall be considered an agency of the Federal
24 Government for purposes of section 1905 of title 18, United
25 States Code, and any individual employed by an individ-

1 ual, entity, or organization under contract to the Commis-
 2 sion under section 7 shall be considered an employee of the
 3 Commission for the purposes of section 1905 of title 18,
 4 United States Code. Information obtained by the Commis-
 5 sion, other than information available to the public, shall
 6 not be disclosed to any person in any manner, except—

7 (1) to Commission employees or employees of
 8 any individual, entity, or organization under con-
 9 tract to the Commission under section 7 for the pur-
 10 pose of receiving, reviewing, or processing such infor-
 11 mation;

12 (2) upon court order; or

13 (3) when publicly released by the Commission in
 14 an aggregate or summary form that does not directly
 15 or indirectly disclose—

16 (A) the identity of any person or business
 17 entity; or

18 (B) any information which could not be re-
 19 leased under section 1905 of title 18, United
 20 States Code.

21 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

22 (a) **COMPENSATION OF MEMBERS.**—Each member of
 23 the Commission who is not an officer or employee of the
 24 Federal Government, or whose compensation is not pre-
 25 cluded by a State, local, or Native American tribal govern-

1 ment position, shall be compensated at a rate equal to the
2 daily equivalent of the annual rate of basic pay prescribed
3 for Level IV of the Executive Schedule under section 5315
4 of title 5, United States Code, for each day (including travel
5 time) during which such member is engaged in the perform-
6 ance of the duties of the Commission. All members of the
7 Commission who are officers or employees of the United
8 States shall serve without compensation in addition to that
9 received for their services as officers or employees of the
10 United States.

11 (b) TRAVEL EXPENSES.—The members of the Commis-
12 sion shall be allowed travel expenses, including per diem
13 in lieu of subsistence, at rates authorized for employees of
14 agencies under subchapter I of chapter 57 of title 5, United
15 States Code, while away from their homes or regular places
16 of business in the performance of service for the Commis-
17 sion.

18 (c) STAFF.—

19 (1) IN GENERAL.—The Chairman of the Com-
20 mission may, without regard to the civil service laws
21 and regulations, appoint and terminate an executive
22 director and such other additional personnel as may
23 be necessary to enable the Commission to perform its
24 duties. The employment and termination of an execu-

1 *tive director shall be subject to confirmation by a ma-*
2 *jority of the members of the Commission.*

3 (2) *COMPENSATION.—The executive director shall*
4 *be compensated at a rate not to exceed the rate pay-*
5 *able for level V of the Executive Schedule under sec-*
6 *tion 5316 of title 5, United States Code. The Chair-*
7 *man may fix the compensation of other personnel*
8 *without regard to the provisions of chapter 51 and*
9 *subchapter III of chapter 53 of title 5, United States*
10 *Code, relating to classification of positions and Gen-*
11 *eral Schedule pay rates, except that the rate of pay*
12 *for such personnel may not exceed the rate payable for*
13 *level V of the Executive Schedule under section 5316*
14 *of such title.*

15 (3) *DETAIL OF GOVERNMENT EMPLOYEES.—Any*
16 *Federal Government employee, with the approval of*
17 *the head of the appropriate Federal agency, may be*
18 *detailed to the Commission without reimbursement,*
19 *and such detail shall be without interruption or loss*
20 *of civil service status, benefits, or privilege.*

21 (d) *PROCUREMENT OF TEMPORARY AND INTERMIT-*
22 *TENT SERVICES.—The Chairman of the Commission may*
23 *procure temporary and intermittent services under section*
24 *3109(b) of title 5, United States Code, at rates for individ-*
25 *uals not to exceed the daily equivalent of the annual rate*

1 *of basic pay prescribed for Level V of the Executive Schedule*
 2 *under section 5316 of such title.*

3 **SEC. 7. CONTRACTS FOR RESEARCH.**

4 *(a) ADVISORY COMMISSION ON INTERGOVERNMENTAL*
 5 *RELATIONS.—*

6 *(1) IN GENERAL.—In carrying out its duties*
 7 *under section 4, the Commission shall contract with*
 8 *the Advisory Commission on Intergovernmental Rela-*
 9 *tions for—*

10 *(A) a thorough review and cataloging of all*
 11 *applicable Federal, State, local, and Native*
 12 *American tribal laws, regulations, and ordi-*
 13 *nances that pertain to gambling in the United*
 14 *States; and*

15 *(B) assistance in conducting the studies re-*
 16 *quired by the Commission under section 4(a),*
 17 *and in particular the review and assessments re-*
 18 *quired in subparagraphs (A), (B), and (E) of*
 19 *paragraph (2) of such section.*

20 *(2) REPORT REQUIRED.—The contract entered*
 21 *into under paragraph (1) shall require that the Advi-*
 22 *sory Commission on Intergovernmental Relations sub-*
 23 *mit a report to the Commission detailing the results*
 24 *of its efforts under the contract no later than 15*

1 *months after the date upon which the Commission*
2 *first meets.*

3 **(b) NATIONAL RESEARCH COUNCIL.—**

4 **(1) IN GENERAL.—***In carrying out its duties*
5 *under section 4, the Commission shall contract with*
6 *the National Research Council of the National Acad-*
7 *emy of Sciences for assistance in conducting the stud-*
8 *ies required by the Commission under section 4(a),*
9 *and in particular the assessment required under sub-*
10 *paragraph (C) of paragraph (2) of such section.*

11 **(2) REPORT REQUIRED.—***The contract entered*
12 *into under paragraph (1) shall require that the Na-*
13 *tional Research Council submit a report to the Com-*
14 *mission detailing the results of its efforts under the*
15 *contract no later than 15 months after the date upon*
16 *which the Commission first meets.*

17 **(c) OTHER ORGANIZATIONS.—***Nothing in this section*
18 *shall be construed to limit the ability of the Commission*
19 *to enter into contracts with other entities or organizations*
20 *for research necessary to carry out the Commission's duties*
21 *under section 4.*

22 **SEC. 8. DEFINITIONS.**

23 *For the purposes of this Act:*

24 **(1) GAMBLING.—***The term “gambling” means*
25 *any legalized form of wagering or betting conducted*

1 *in a casino, on a riverboat, on an Indian reservation,*
 2 *or at any other location under the jurisdiction of the*
 3 *United States. Such term includes any casino game,*
 4 *parimutuel betting, sports-related betting, lottery,*
 5 *pull-tab game, slot machine, any type of video gam-*
 6 *ing, computerized wagering or betting activities (in-*
 7 *cluding any such activity conducted over the*
 8 *Internet), and philanthropic or charitable gaming ac-*
 9 *tivities.*

10 (2) *NATIVE AMERICAN TRIBAL GOVERNMENT.*—
 11 *The term “Native American tribal government”*
 12 *means an Indian tribe, as defined under section 4(5)*
 13 *of the Indian Gaming Regulatory Act of 1988 (25*
 14 *U.S.C. 2703(5)).*

15 (3) *STATE.*—*The term “State” means each of the*
 16 *several States of the United States, the District of Co-*
 17 *lumbia, the Commonwealth of Puerto Rico, the Virgin*
 18 *Islands, Guam, American Samoa, and the Common-*
 19 *wealth of the Northern Mariana Islands.*

20 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) *IN GENERAL.*—*There are authorized to be appro-*
 22 *priated to the Commission, the Advisory Commission on*
 23 *Intergovernmental Relations, and the National Academy of*
 24 *Sciences such sums as may be necessary to carry out the*

1 *purposes of this Act. Any sums appropriated shall remain*
2 *available, without fiscal year limitation, until expended.*

3 (b) *LIMITATION.—No payment may be made under*
4 *section 6 or 7 of this Act except to the extent provided for*
5 *in advance in an appropriation Act.*

6 ***SEC. 10. TERMINATION OF THE COMMISSION.***

7 *The Commission shall terminate 60 days after the*
8 *Commission submits the report required under section 4(b).*

Attest:

Secretary.

104TH CONGRESS
2^D SESSION

H. R. 497

AMENDMENT