§ 518.2

(h) Advance payment of fees. Fees may be paid upon provision of the requested records, except that payment may be required prior to that time if the requester has previously failed to pay fees or if the FOIA Officer determines the total fee will exceed $250.00. When payment is required in advance of the processing of a request, the time limits prescribed in §517.6 shall not be deemed to begin until the FOIA Officer has received payment of the assessed fee.

(i) Payment of fees. Where it is anticipated that the cost of providing the requested record will exceed $25.00 after the free duplication and search time has been calculated, and the requester has not indicated in advance a willingness to pay a fee greater than $25.00, the FOIA Officer shall promptly notify the requester of the amount of the anticipated fee or a portion thereof, which can readily be estimated. The notification shall offer the requester an opportunity to confer with agency representatives for the purpose of reformulating the request so as to meet the requester’s needs at a reduced cost.

PART 518—SELF REGULATION OF CLASS II GAMING

§ 518.1 What does this part cover?

This part sets forth requirements for obtaining, and procedures governing, the Commission’s issuance of certificates of self-regulation of class II gaming operations under 25 U.S.C. 2710(c).

§ 518.2 Who may petition for a certificate of self-regulation?

A tribe may submit to the Commission a petition for self-regulation of class II gaming if, for the three (3) year period immediately preceding the date of its petition:

(a) The tribe has continuously conducted the gaming activity for which it seeks self-regulation;

(b) All gaming that the tribe has engaged in, or licensed and regulated, on Indian lands within the tribe’s jurisdiction, is located within a State that permits such gaming for any purpose by any person, organization or entity (and such gaming is not otherwise specifically prohibited on Indian lands by federal law), in accordance with 25 U.S.C. 2710(b)(1)(A);

(c) The governing body of the tribe has adopted an ordinance or resolution that the Chairman has approved, in accordance with 25 U.S.C. 2710(b)(1)(A);

(d) The tribe has otherwise complied with the provisions of 25 U.S.C. 2710;

(e) The gaming operation and the tribal regulatory body have, for the three years immediately preceding the date of the petition, maintained all records required to support the petition for self-regulation.

§ 518.3 What must a tribe submit to the Commission as part of its petition?

§ 518.4 What criteria must a tribe meet to receive a certificate of self-regulation?

§ 518.5 What process will the Commission use to review petitions?

§ 518.6 When will a certificate of self-regulation become effective?

§ 518.7 If a tribe holds a certificate of self-regulation, is it required to report information to the Commission to maintain its self-regulatory status?

§ 518.8 Does a tribe that holds a certificate of self-regulation have a continuous duty to advise the Commission of any information?

§ 518.9 Are any of the investigative or enforcement powers of the Commission limited by the issuance of a certificate of self-regulation?

§ 518.10 Under what circumstances may the Commission remove a certificate of self-regulation?

§ 518.11 May a tribe request a hearing on the Commission’s proposal to remove its certificate?

§ 518.12 May a tribe request reconsideration by the Commission of a denial of a petition or a removal of a certificate of self-regulation?

Authority: 25 U.S.C. 2706(b)(10), 2710(c)(3)–(6).

Source: 63 FR 41969, Aug. 6, 1998, unless otherwise noted.