

105TH CONGRESS
1ST SESSION

S. 1130

To provide for the assessment of fees by the National Indian Gaming Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 1997

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 provide for the assessment of fees by the National Indian Gaming Commission, 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. ASSESSMENT OF FEES.**

4 (a) IN GENERAL.—Section 18(a) of the Indian Gam-
5 ing Regulatory Act (25 U.S.C. 2717(a)) is amended—

6 (1) by redesignating paragraphs (4) through
7 (6) as paragraphs (5) through (7), respectively;

8 (2) by striking “(a)(1)” and all that follows
9 through the end of paragraph (3) and inserting the
10 following:

1 “(a) ANNUAL FEES.—

2 “(1) MINIMUM REGULATORY FEES.—In addi-
3 tion to assessing fees pursuant to a schedule estab-
4 lished under paragraph (2), the Commission shall re-
5 quire each gaming operation that conducts a class II
6 or class III gaming activity that is regulated by this
7 Act to pay to the Commission, on a quarterly basis,
8 a minimum regulatory fee in an amount equal to
9 \$250.

10 “(2) CLASS II AND CLASS III GAMING FEES.—

11 “(A) CLASS II GAMING FEES.—

12 “(i) IN GENERAL.—The Commission
13 shall establish a schedule of fees to be paid
14 to the Commission that includes fees for
15 each class II gaming activity that is regu-
16 lated by this Act.

17 “(ii) RATE OF FEES.—For each gam-
18 ing activity covered under the schedule es-
19 tablished under clause (i), the rate of fees
20 imposed under that schedule shall not ex-
21 ceed 2.5 percent of the gross revenues of
22 that gaming activity.

23 “(iii) AMOUNT OF FEES ASSESSED.—

24 Subject to paragraph (3), the total amount
25 of fees imposed during any fiscal year

1 under the schedule established under
2 clause (i) shall not exceed—

3 “(I) \$5,000,000 for fiscal year
4 1998;

5 “(II) \$8,000,000 for fiscal year
6 1999; and

7 “(III) \$10,000,000 for fiscal year
8 2000, and for each fiscal year there-
9 after.

10 “(B) CLASS III GAMING FEES.—

11 “(i) IN GENERAL.—The Commission
12 shall establish a schedule of fees to be paid
13 to the Commission that includes fees for
14 each class III gaming activity that is regu-
15 lated by this Act.

16 “(ii) RATE OF FEES.—For each gam-
17 ing activity covered under the schedule es-
18 tablished under clause (i), the rate of fees
19 imposed under that schedule shall not ex-
20 ceed 0.5 percent of the gross revenues of
21 that gaming activity.

22 “(iii) AMOUNT OF FEES ASSESSED.—
23 Subject to paragraph (3), the total amount
24 of fees imposed during any fiscal year

1 under the schedule established under
 2 clause (i) shall not exceed—

3 “(I) \$3,000,000 for fiscal year
 4 1998;

5 “(II) \$4,000,000 for fiscal year
 6 1999; and

7 “(III) \$5,000,000 for fiscal year
 8 2000, and for each fiscal year there-
 9 after.

10 “(3) GRADUATED FEE LIMITATION.—

11 “(A) IN GENERAL.—The aggregate
 12 amount of fees collected under paragraph (2)
 13 shall not exceed—

14 “(i) \$8,000,000 for fiscal year 1998;

15 “(ii) \$12,000,000 for fiscal year 1999;

16 and

17 “(iii) \$15,000,000 for fiscal year
 18 2000, and for each fiscal year thereafter.

19 “(B) FACTORS FOR CONSIDERATION.—In
 20 assessing and collecting fees under this section,
 21 the Commission shall take into account the du-
 22 ties of, and services provided by, the Commis-
 23 sion under this Act.

24 “(4) SPECIAL FUND.—The Secretary of the
 25 Treasury shall establish a special fund into which

1 the Secretary of the Treasury shall deposit amounts
 2 equal to the fees paid under this subsection. The
 3 amounts deposited into the special fund shall be
 4 used only to fund the activities of the Commission
 5 under this Act.”;

6 (3) in paragraph (5), as redesignated by para-
 7 graph (1) of this section, by striking “(5) Failure”
 8 and inserting the following:

9 “(5) CONSEQUENCES OF FAILURE TO PAY
 10 FEES.—Failure”;

11 (4) in paragraph (6), as redesignated by para-
 12 graph (1) of this section, by striking “(6) To the ex-
 13 tent” and inserting the following:

14 “(6) CREDIT.—To the extent”; and

15 (5) in paragraph (7), as redesignated by para-
 16 graph (1) of this section, by striking “(7) For pur-
 17 poses of this section,” and inserting the following:

18 “(7) GROSS REVENUES.—For purposes of this
 19 section,”.

20 (b) BUDGET OF COMMISSION.—Section 18(b) of the
 21 Indian Gaming Regulatory Act (25 U.S.C. 2717(b)) is
 22 amended—

23 (1) by striking “(b)(1) The Commission” and
 24 inserting the following:

25 “(b) REQUESTS FOR APPROPRIATIONS.—

1 “(1) IN GENERAL.—The Commission”;

2 (2) by striking paragraph (2) and inserting the
3 following:

4 “(2) CONTENTS OF BUDGET.—For fiscal year
5 1998, and for each fiscal year thereafter, the budget
6 of the Commission may include a request for appro-
7 priations, as authorized by section 19, in an amount
8 equal to the sum of—

9 “(A)(i) for fiscal year 1998, an estimate
10 (determined by the Commission) of the amount
11 of funds to be derived from the fees collected
12 under subsection (a) for that fiscal year; or

13 “(ii) for each fiscal year thereafter, the
14 amount of funds derived from the fees collected
15 under subsection (a) for the fiscal year preced-
16 ing the fiscal year for which the appropriation
17 request is made; and

18 “(B) \$1,000,000.”.

19 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 19 of the Indian Gaming Regulatory Act (25
21 U.S.C. 2718) is amended to read as follows:

22 **“SEC. 19. AUTHORIZATION OF APPROPRIATIONS.**

23 “Subject to section 18, for fiscal year 1998, and for
24 each fiscal year thereafter, there are authorized to be ap-

1 appropriated to the Commission an amount equal to the sum
2 of—

3 “(1)(A) for fiscal year 1998, an estimate (de-
4 termined by the Commission) of the amount of
5 funds to be derived from the fees collected under
6 subsection (a); or

7 “(B) for each fiscal year thereafter, the amount
8 of funds derived from the fees collected under sub-
9 section (a) for the fiscal year preceding the fiscal
10 year; and

11 “(2) \$1,000,000.”.

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