

S 1529

Indian Gaming Regulatory Act Amendments of 2004

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Native Americans

Introduced: Jul 31, 2003

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 739.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 739. (Sep 28, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/1529>

Sponsor

Name: Sen. Campbell, Ben Nighthorse [R-CO]

Party: Democratic • State: CO • Chamber: Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Inouye, Daniel K. [D-HI]	D · HI		Jul 31, 2003

Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Reported By	Sep 28, 2004

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

No related bills are listed.

Indian Gaming Regulatory Act Amendments of 2004 - (Sec. 2) Amends the Indian Gaming Regulatory Act to exempt from the Gambling Devices Transportation Act (Johnson Act) class II gaming (bingo and certain card games) for which an electronic aid, computer, or other technological aid is used in connection with such gaming.

Revises requirements for filling vacancies on the National Indian Gaming Commission (NIGC). Revises the powers of its Chairman to permit the Chairman to delegate any of his or her authorities to an individual Commissioner.

Directs the NIGC to: (1) develop a minimum five-year strategic plan meeting specified criteria, and updated biennially, to carry out its activities; and (2) require the registration of any electronic aid, computer, or other technological gaming aid intended for use on Indian land, and of any manufacturer, seller, dealer, buyer, lessor, or any other person engaged in the business of repairing, reconditioning, or reprogramming such technological aids.

Requires such manufacturers and others required to register also to: (1) number sequentially each technological aid (or computer or other technological aid in the person's physical possession); and (2) affix permanently to the aid the serial number, legal and trade name of the manufacturer or registrant, and date of manufacture or, as appropriate, the date on which the serial number is affixed.

Prescribes recordkeeping requirements for persons required to register.

Prescribes civil penalties for failure to comply with registration, aid numbering, and recordkeeping requirements.

Adjusts the salary of the General Counsel to the Commission and of other staff.

Extends to tribal gaming commissioners and key tribal gaming commission employees of a class II gaming enterprise the requirement for background investigations applicable to the primary management officials and key employees.

Prohibits the Secretary of the Interior from approving any Tribal-State compact or other agreement that includes an apportionment of net revenues with a State or local government unless total net revenues are required by the compact to exceed the amounts necessary to fund tribal government operations or programs. Requires a State receiving an apportionment to render a substantial economic benefit to the Indian tribe. Requires the Secretary to promulgate regulations within 18 months to provide guidance to Indian tribes and States on the scope of allowable assessments and the apportionment of revenues negotiated under this Act.

Revises requirements for the Secretary's action in the event that a State does not consent during a certain period to a proposed compact with a Tribe on class III gaming (any type of gaming other than classes I or II) that is submitted by a mediator. Sets a deadline of 180 days after notification by the mediator of the State's failure for the Secretary to prescribe procedures under which class III gaming may be conducted on Indian lands over which the tribe has jurisdiction.

Provides for an additional 180 day extension of negotiating time if a new tribal-State compact cannot be negotiated before the official expiration date of the current compact, during which time tribal class III gaming activities may legally continue.

Allows an Indian tribe to enter into a management contract for the operation and management of a class III gaming activity, subject to specified background information review requirements currently applicable to class II gaming management contracts.

Revises the schedule of fees to be paid to the Commission by each gaming operation that conducts a class II or class III gaming activity. Replaces the current fee formula with a progressive rate structure levied on gross revenues in excess of \$1.5 million from each operation, or a flat fee. Increases the total amount of all fees that may be imposed during any fiscal year from \$8 million to: (1) \$11.5 million in FY 2005; (2) \$12 million in FY 2006 and 2007; and (3) \$13 million in FY 2008 and 2009. Requires the Commission to adopt the schedule of fees by a vote of at least two members.

Provides that in carrying out IGRA the Secretary, the Secretary of the Treasury, and the NIGC Chairman shall involve and consult with Indian tribes to the maximum extent practicable, as appropriate, in a manner that is consistent with the Federal trust and the government-to-government relationship that exists between Indian tribes and the Federal Government.

Authorizes appropriations in an amount equal to the amount of funds derived from fees collected. Provides for additional amounts to be appropriated to fund the operations of the NIGC.

Actions Timeline

- **Sep 28, 2004:** Committee on Indian Affairs. Reported by Senator Campbell with an amendment in the nature of a substitute. With written report No. 108-380. Minority views filed.
- **Sep 28, 2004:** Committee on Indian Affairs. Reported by Senator Campbell with an amendment in the nature of a substitute. With written report No. 108-380. Minority views filed.
- **Sep 28, 2004:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 739.
- **Jul 14, 2004:** Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Mar 24, 2004:** Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 108-475.
- **Jul 31, 2003:** Introduced in Senate
- **Jul 31, 2003:** Sponsor introductory remarks on measure. (CR S10653)
- **Jul 31, 2003:** Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR 8/1/2003 S10653-10656)