

Union Calendar No. 224

104TH CONGRESS
2^D SESSION

H. R. 497

[Report No. 104-440, Part I]

A BILL

To create the National Gambling Impact and Policy
Commission.

FEBRUARY 28, 1996

Committee on Resources discharged; committed to the
Committee of the Whole House on the State of the
Union, and ordered to be printed

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[Report No. 104-440, Part I]

To create the National Gambling Impact and Policy Commission.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 1995

Mr. WOLF introduced the following bill; which was referred to the Committee on the Judiciary

DECEMBER 21, 1995

Reported with an amendment, and referred to the Committee on Resources for a period ending not later than February 9, 1996, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the committee pursuant to clause 1(1), rule X

[Strike out all after the enacting clause and insert the part printed in *italic*]

FEBRUARY 9, 1996

Referral to the Committee on Resources extended for a period ending not later than February 28, 1996

FEBRUARY 28, 1996

Additional sponsors: Mr. LAFALCE, Mr. DAVIS, Ms. NORTON, Mr. UPTON, Mr. LIVINGSTON, Mr. STEARNS, Mr. PICKETT, Mr. SHAYS, Mr. ROEMER, Mr. PACKARD, Mr. HALL of Ohio, Mr. MCKEON, Mr. WICKER, Mr. BEIL-ENSON, Mr. GUTKNECHT, Mr. PETE GEREN of Texas, Mrs. WALDHOLTZ, Mr. CALVERT, Mrs. CHENOWETH, Mr. MANZULLO, Mr. GOODLATTE, Mr. HERGER, Mr. STENHOLM, Mr. BROWDER, Mr. STOCKMAN, Mr. COLLINS of Georgia, Mr. SOLOMON, Mrs. SEASTRAND, Mr. HOEKSTRA, Mr. CANADY of Florida, Mr. BAKER of Louisiana, Mr. GENE GREEN of Texas, Mr. BATEMAN, Mr. HUTCHINSON, Mr. SHAW, Mr. ZELIFF, Mr. WALSH, Mr. BROWNBACK, Mr. HAMILTON, Mr. BRYANT of Texas, Mr. ENGEL, Mr. ORTON, Mr. DICKEY, Mr. WELDON of Florida, Mrs. ROUKEMA, Mr. PORTER, Mr. LAUGHLIN, Mr. HILLEARY, Mr. MORAN, Mr. UNDERWOOD, Mr. BONIOR, Mr. HOKE, Mr. WISE, Mr. CRAPO, Mr. BARR of Georgia, Mr. DELAY, Mr. HEINEMAN, Mr. HOBSON, Ms. PELOSI, Mr.

DIXON, Mr. HOUGHTON, Mr. GILCREST, Mr. BOUCHER, Mr. OXLEY, Mr. MEEHAN, Mr. FLANAGAN, Mr. INGLIS of South Carolina, Mr. SMITH of Texas, Mr. BAKER of California, Mrs. KELLY, Mr. FOGLIETTA, Mr. GIBBONS, Mr. TAYLOR of North Carolina, Mr. PORTMAN, Mr. HORN, Mr. CASTLE, Mr. MILLER of California, Mr. BLUTE, Mrs. MORELLA, Mr. KENNEDY of Massachusetts, Mr. LARGENT, Mr. ISTOOK, Mr. WHITE, Mr. SMITH of New Jersey, Mr. KINGSTON, Mr. JOHNSTON of Florida, Ms. DUNN of Washington, Mr. BARTLETT of Maryland, Mr. LANTOS, Mr. SCHUMER, Mr. HAYES, Mr. COLEMAN, Mr. LIGHTFOOT, Mr. LIPINSKI, Mr. TRAFICANT, Mr. GORDON, Ms. JACKSON-LEE of Texas, Mr. SCOTT, Mr. BEVILL, Mr. PAYNE of Virginia, Mr. SPRATT, Mr. GREENWOOD, Mr. BACHUS, Mr. SISISKY, Mr. WARD, Mr. RIGGS, Mr. CHRYSLER, Mr. ROMERO-BARCELÓ, Mr. SOUDER, Mr. CAMP, Mr. BEREUTER, Mr. HANCOCK, Mr. DUNCAN, Mr. GRAHAM, Mr. BARRETT of Wisconsin, Mr. SAWYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TATE, Mr. CONYERS, Mr. FRAZER, Mr. LAHOOD, Mr. TIAHRT, Ms. WOOLSEY, Mr. METCALF, Mr. BLILEY, Mr. EMERSON, Mr. GUNDERSON, Mr. LONGLEY, Mr. BARCIA, Ms. PRYCE, Mr. COOLEY, Mr. LEWIS of Kentucky, Mr. MYERS of Indiana, Mrs. MEYERS of Kansas, Mrs. FOWLER, Mr. HANSEN, Mr. TALENT, Mr. COYNE, Mr. COBURN, Mr. TAUZIN, Mr. CHRISTENSEN, Mr. BARRETT of Nebraska, and Mr. QUINN

Deleted sponsor: Mr. SAXTON (added May 2, 1995; deleted September 28, 1995)

FEBRUARY 28, 1996

Committee on Resources discharged; committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on January 11, 1995]

A BILL

To create the National Gambling Impact and Policy
Commission.

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 “National Gambling Im-*
5 *pact and Policy Commission Act”.*

1 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

2 *There is established a commission to be known as the*
3 *National Gambling Impact and Policy Commission (in this*
4 *Act referred to as the “Commission”).*

5 **SEC. 3. MEMBERSHIP.**

6 *(a) NUMBER AND APPOINTMENT.—*

7 *(1) GENERALLY.—The Commission shall be com-*
8 *posed of 9 members, appointed from persons specially*
9 *qualified by training and experience to perform the*
10 *duties of the Commission, as follows:*

11 *(A) three appointed by the Speaker of the*
12 *House of Representatives;*

13 *(B) three appointed by the majority leader*
14 *of the Senate; and*

15 *(C) three appointed by the President of the*
16 *United States.*

17 *(2) CONSULTATION BEFORE APPOINTMENT.—Be-*
18 *fore the appointment of members of the Commission*
19 *(including to any vacancies), the appointing authori-*
20 *ties shall consult with each other to assure that the*
21 *overall membership of the Commission reflects a fair*
22 *and equitable representation of various points of view.*

23 *(3) TIMING OF APPOINTMENTS.—The appointing*
24 *authorities shall make their appointments to the Com-*
25 *mission not later than 60 days after the date of the*
26 *enactment of this Act.*

1 (b) *DESIGNATION OF THE CHAIRMAN.*—*The Speaker of*
2 *the House of Representatives and majority leader of the*
3 *Senate shall designate a Chairman and Vice Chairman*
4 *from among the members of the Commission.*

5 (c) *PERIOD OF APPOINTMENT; VACANCIES.*—*Members*
6 *shall be appointed for the life of the Commission. Any va-*
7 *cancy in the Commission shall not affect its powers, but*
8 *shall be filled in the same manner as the original appoint-*
9 *ment.*

10 (d) *INITIAL MEETING.*—*No later than 60 days after*
11 *the date on which all members of the Commission have been*
12 *appointed, the Commission shall hold its first meeting.*

13 (e) *MEETINGS.*—*The Commission shall meet at the call*
14 *of the Chairman.*

15 (f) *QUORUM.*—*A majority of the members of the Com-*
16 *mission shall constitute a quorum, but a lesser number of*
17 *members may hold hearings.*

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

19 (a) *STUDY.*—

20 (1) *IN GENERAL.*—*It shall be the duty of the*
21 *Commission to conduct a comprehensive legal and*
22 *factual study of—*

23 (A) *gambling in the United States, includ-*
24 *ing State-sponsored lotteries, casino gambling,*
25 *pari-mutuel betting, and sports betting; and*

1 (B) existing Federal, State, and local policy
2 and practices with respect to the legalization or
3 prohibition of gambling activities and to formu-
4 late and propose such changes in those policies
5 and practices as the Commission shall deem ap-
6 propriate.

7 (2) *MATTERS STUDIED.*—The matters studied by
8 the Commission shall include—

9 (A) the economic impact of gambling on the
10 United States, States, political subdivisions of
11 States, and Indian tribes, both in its positive
12 and negative aspects;

13 (B) the economic impact of gambling on
14 other businesses;

15 (C) an assessment and review of political
16 contributions and their influence on the develop-
17 ment of public policy regulating gambling;

18 (D) an assessment of the relationship be-
19 tween gambling and crime;

20 (E) an assessment of the impact of patho-
21 logical, or problem gambling on individuals,
22 families, social institutions, criminal activity
23 and the economy;

24 (F) a review of the demographics of gam-
25 blers;

1 (G) a review of the effectiveness of existing
2 practices in law enforcement, judicial adminis-
3 tration, and corrections to combat and deter ille-
4 gal gambling and illegal activities related to
5 gambling;

6 (H) a review of the costs and effectiveness of
7 State and Federal gambling regulatory policy,
8 including as it relates to Indian gambling;

9 (I) an assessment of the effects of advertis-
10 ing concerning gambling, including—

11 (i) whether advertising has increased
12 participation in gambling activity;

13 (ii) the effects of various types of ad-
14 vertising, including the sponsorship of
15 sporting events;

16 (iii) the relationship between advertis-
17 ing and the amount of the prize to be
18 awarded; and

19 (iv) an examination of State lottery
20 advertising practices, including the process
21 by which States award lottery advertising
22 contracts;

23 (J) a review of gambling that uses inter-
24 active technology, including the Internet;

1 (K) a review of the extent to which casino
2 gambling provides economic opportunity to resi-
3 dents of economically depressed regions and to
4 Indian tribes;

5 (L) a review of the effect of revenues derived
6 from State-sponsored gambling on State budgets;
7 and

8 (M) such other relevant issues and topics as
9 considered appropriate by the Chairman of the
10 Commission.

11 (b) *REPORT.*—No later than 2 years after the Commis-
12 sion first meets, the Commission shall submit a report to
13 the President and the Congress which shall contain a de-
14 tailed statement of the findings and conclusions of the Com-
15 mission, together with its recommendations for such legisla-
16 tion and administrative actions as it considers appropriate.

17 **SEC. 5. POWERS OF THE COMMISSION.**

18 (a) *HEARINGS AND SUBPOENAS.*—

19 (1) *The Commission may hold such hearings, sit*
20 *and act at such times and places, administer such*
21 *oaths, take such testimony, receive such evidence, and*
22 *require by subpoena the attendance and testimony of*
23 *such witnesses and the production of such materials*
24 *as the Commission considers advisable to carry out*
25 *the purposes of this Act.*

1 (2) *ATTENDANCE OF WITNESSES.*—*The attend-*
2 *ance of witnesses and the production of evidence may*
3 *be required from any place within the United States.*

4 (3) *FAILURE TO OBEY A SUBPOENA.*—*If a person*
5 *refuses to obey a subpoena issued under paragraph*
6 *(1), the Commission may apply to a United States*
7 *district court for an order requiring that person to*
8 *appear before the Commission to give testimony,*
9 *produce evidence, or both, relating to the matter*
10 *under investigation. The application may be made*
11 *within the judicial district where the hearing is con-*
12 *ducted or where that person is found, resides, or*
13 *transacts business. Any failure to obey the order of*
14 *the court may be punished by the court as civil con-*
15 *tempt.*

16 (4) *SERVICE OF SUBPOENAS.*—*The subpoenas of*
17 *the Commission shall be served in the manner pro-*
18 *vided for subpoenas issued by a United States district*
19 *court under the Federal Rules of Civil Procedure for*
20 *the United States district courts.*

21 (5) *SERVICE OF PROCESS.*—*All process of any*
22 *court to which application is to be made under para-*
23 *graph (3) may be served in the judicial district in*
24 *which the person required to be served resides or may*
25 *be found.*

1 (b) *INFORMATION FROM FEDERAL AGENCIES.*—The
2 *Commission may secure directly from any Federal depart-*
3 *ment or agency such information as the Commission con-*
4 *siders necessary to carry out the provisions of this Act.*
5 *Upon request of the Chairman of the Commission, the head*
6 *of such department or agency may furnish such information*
7 *to the Commission.*

8 (c) *DETAIL OF GOVERNMENT EMPLOYEES.*—Any Fed-
9 *eral Government employee may be detailed to the Commis-*
10 *sion without reimbursement, and such detail shall be with-*
11 *out interruption or loss of civil service status or privilege.*

12 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

13 (a) *COMPENSATION OF MEMBERS.*—Subject to the lim-
14 *itation provided in subsection (e), each member of the Com-*
15 *mission who is not an officer or employee of the Federal*
16 *Government shall be compensated at a rate equal to the*
17 *daily equivalent of the annual rate of basic pay prescribed*
18 *for level IV of the Executive Schedule under section 5315*
19 *of title 5, United States Code, for each day (including travel*
20 *time) during which such member is engaged in the perform-*
21 *ance of the duties of the Commission. All members of the*
22 *Commission who are officers or employees of the United*
23 *States shall serve without compensation in addition to that*
24 *received for their services as officers or employees of the*
25 *United States.*

1 (b) *TRAVEL EXPENSES.*—*Subject to the limitation*
2 *provided in subsection (e), the members of the Commission*
3 *shall be allowed travel expenses, including per diem in lieu*
4 *of subsistence, at rates authorized for employees of agencies*
5 *under subchapter I of chapter 57 of title 5, United States*
6 *Code, while away from their homes or regular places of*
7 *business in the performance of services for the Commission.*

8 (c) *STAFF.*—

9 (1) *IN GENERAL.*—*The Chairman of the Com-*
10 *mission may, without regard to the civil service laws*
11 *and regulations, appoint and terminate an executive*
12 *director and such other additional personnel as may*
13 *be necessary to enable the Commission to perform its*
14 *duties. The employment of an executive director shall*
15 *be subject to confirmation by the Commission.*

16 (2) *COMPENSATION.*—*Subject to the requirements*
17 *of subsection (e), the executive director shall be com-*
18 *pensated at the rate payable for level V of the Execu-*
19 *tive Schedule under section 5316 of title 5, United*
20 *States Code. The Chairman of the Commission may*
21 *fix the compensation of other personnel without re-*
22 *gard to the provisions of chapter 51 and subchapter*
23 *III of chapter 53 of title 5, United States Code, relat-*
24 *ing to classification of positions and General Schedule*
25 *pay rates, except that the rate of pay for such person-*

1 *nel may not exceed the rate payable for level V of the*
2 *Executive Schedule under section 5316 of such title.*

3 *(d) PROCUREMENT OF TEMPORARY AND INTERMIT-*
4 *TENT SERVICES.—The Chairman of the Commission may*
5 *procure temporary and intermittent services under section*
6 *3109(b) of title 5, United States Code, at rates for individ-*
7 *uals which do not exceed the daily equivalent of the annual*
8 *rate of basic pay prescribed for level V of the Executive*
9 *Schedule under section 5316 of such title.*

10 *(e) LIMITATION.—No payment may be made under the*
11 *authority of this section except to the extent provided for*
12 *in advance in an appropriation for this purpose.*

13 ***SEC. 7. TERMINATION OF THE COMMISSION.***

14 *The Commission shall terminate 30 days after the date*
15 *on which the Commission submits its report under section*
16 *4.*