

Calendar No. 344

104TH CONGRESS
2^D SESSION

H. R. 497

IN THE SENATE OF THE UNITED STATES

MARCH 6, 1996

Received, read the first time

MARCH 11, 1996

Read the second time and placed on the calendar

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

5 There is established a commission to be known as the
6 National Gambling Impact and Policy Commission (in this
7 Act referred to as the “Commission”).

8 **SEC. 3. MEMBERSHIP.**

9 (a) NUMBER AND APPOINTMENT.—

10 (1) GENERALLY.—The Commission shall be
11 composed of 9 members, appointed from persons
12 specially qualified by training and experience to per-
13 form the duties of the Commission, as follows:

14 (A) three appointed by the Speaker of the
15 House of Representatives;

16 (B) three appointed by the majority leader
17 of the Senate; and

18 (C) three appointed by the President of the
19 United States.

20 (2) CONSULTATION BEFORE APPOINTMENT.—

21 Before the appointment of members of the Commis-
22 sion (including to any vacancies), the appointing au-
23 thorities shall consult with each other to assure that
24 the overall membership of the Commission reflects a
25 fair and equitable representation of various points of
26 view.

1 (3) TIMING OF APPOINTMENTS.—The appoint-
2 ing authorities shall make their appointments to the
3 Commission not later than 60 days after the date of
4 the enactment of this Act.

5 (b) DESIGNATION OF THE CHAIRMAN.—The Speaker
6 of the House of Representatives and majority leader of
7 the Senate shall designate a Chairman and Vice Chairman
8 from among the members of the Commission.

9 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
10 bers shall be appointed for the life of the Commission. Any
11 vacancy in the Commission shall not affect its powers, but
12 shall be filled in the same manner as the original appoint-
13 ment.

14 (d) INITIAL MEETING.—No later than 60 days after
15 the date on which all members of the Commission have
16 been appointed, the Commission shall hold its first meet-
17 ing.

18 (e) MEETINGS.—The Commission shall meet at the
19 call of the Chairman.

20 (f) QUORUM.—A majority of the members of the
21 Commission shall constitute a quorum, but a lesser num-
22 ber of members may hold hearings.

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

24 (a) STUDY.—

1 (1) IN GENERAL.—It shall be the duty of the
2 Commission to conduct a comprehensive legal and
3 factual study of—

4 (A) gambling in the United States, includ-
5 ing State-sponsored lotteries, casino gambling,
6 pari-mutuel betting, and sports betting; and

7 (B) existing Federal, State, and local poli-
8 icy and practices with respect to the legalization
9 or prohibition of gambling activities and to for-
10 mulate and propose such changes in those poli-
11 cies and practices as the Commission shall
12 deem appropriate.

13 (2) MATTERS STUDIED.—The matters studied
14 by the Commission shall include—

15 (A) the economic impact of gambling on
16 the United States, States, political subdivisions
17 of States, and Indian tribes, both in its positive
18 and negative aspects;

19 (B) the economic impact of gambling on
20 other businesses;

21 (C) an assessment and review of political
22 contributions and their influence on the devel-
23 opment of public policy regulating gambling;

24 (D) an assessment of the relationship be-
25 tween gambling and crime;

1 (E) an assessment of the impact of patho-
2 logical, or problem gambling on individuals,
3 families, social institutions, criminal activity
4 and the economy;

5 (F) a review of the demographics of gam-
6 blers;

7 (G) a review of the effectiveness of existing
8 practices in law enforcement, judicial adminis-
9 tration, and corrections to combat and deter il-
10 legal gambling and illegal activities related to
11 gambling;

12 (H) a review of the costs and effectiveness
13 of State, Federal, and Tribal gambling regu-
14 latory policy;

15 (I) an assessment of the effects of adver-
16 tising concerning gambling, including—

17 (i) whether advertising has increased
18 participation in gambling activity;

19 (ii) the effects of various types of ad-
20 vertising, including the sponsorship of
21 sporting events;

22 (iii) the relationship between advertis-
23 ing and the amount of the prize to be
24 awarded; and

1 (iv) an examination of State lottery
2 advertising practices, including the process
3 by which States award lottery advertising
4 contracts;

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

7 (K) a review of the extent to which casino
8 gambling provides economic opportunity to resi-
9 dents of economically depressed regions and to
10 Indian tribes;

11 (L) a review of the effect of revenues de-
12 rived from State-sponsored gambling on State
13 budgets; and

14 (M) such other relevant issues and topics
15 as considered appropriate by the Chairman of
16 the Commission.

17 (b) REPORT.—No later than 2 years after the Com-
18 mission first meets, the Commission shall submit a report
19 to the President and the Congress which shall contain a
20 detailed statement of the findings and conclusions of the
21 Commission, together with its recommendations for such
22 legislation and administrative actions as it considers ap-
23 propriate.

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

25 (a) HEARINGS AND SUBPOENAS.—

1 (1) The Commission may hold such hearings,
2 sit and act at such times and places, administer
3 such oaths, take such testimony, receive such evi-
4 dence, and require by subpoena the attendance and
5 testimony of such witnesses and the production of
6 such materials as the Commission considers advis-
7 able to carry out the purposes of this Act.

8 (2) ATTENDANCE OF WITNESSES.—The attend-
9 ance of witnesses and the production of evidence
10 may be required from any place within the United
11 States.

12 (3) FAILURE TO OBEY A SUBPOENA.—If a per-
13 son refuses to obey a subpoena issued under para-
14 graph (1), the Commission may apply to a United
15 States district court for an order requiring that per-
16 son to appear before the Commission to give testi-
17 mony, produce evidence, or both, relating to the
18 matter under investigation. The application may be
19 made within the judicial district where the hearing
20 is conducted or where that person is found, resides,
21 or transacts business. Any failure to obey the order
22 of the court may be punished by the court as civil
23 contempt.

24 (4) SERVICE OF SUBPOENAS.—The subpoenas
25 of the Commission shall be served in the manner

1 provided for subpoenas issued by a United States
2 district court under the Federal Rules of Civil Pro-
3 cedure for the United States district courts.

4 (5) SERVICE OF PROCESS.—All process of any
5 court to which application is to be made under para-
6 graph (3) may be served in the judicial district in
7 which the person required to be served resides or
8 may be found.

9 (b) INFORMATION FROM FEDERAL AGENCIES.—The
10 Commission may secure directly from any Federal depart-
11 ment or agency such information as the Commission con-
12 sidered necessary to carry out the provisions of this Act.
13 Upon request of the Chairman of the Commission, the
14 head of such department or agency may furnish such in-
15 formation to the Commission.

16 (c) DETAIL OF GOVERNMENT EMPLOYEES.—Any
17 Federal Government employee may be detailed to the
18 Commission without reimbursement, and such detail shall
19 be without interruption or loss of civil service status or
20 privilege.

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

22 (a) COMPENSATION OF MEMBERS.—Subject to the
23 limitation provided in subsection (e), each member of the
24 Commission who is not an officer or employee of the Fed-
25 eral Government shall be compensated at a rate equal to

1 the daily equivalent of the annual rate of basic pay pre-
2 scribed for level IV of the Executive Schedule under sec-
3 tion 5315 of title 5, United States Code, for each day (in-
4 cluding travel time) during which such member is engaged
5 in the performance of the duties of the Commission. All
6 members of the Commission who are officers or employees
7 of the United States shall serve without compensation in
8 addition to that received for their services as officers or
9 employees of the United States.

10 (b) TRAVEL EXPENSES.—Subject to the limitation
11 provided in subsection (e), 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
14 of agencies under subchapter I of chapter 57 of title 5,
15 United States Code, while away from their homes or regu-
16 lar places of business in the performance of services for
17 the Commission.

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
24 its duties. The employment of an executive director
25 shall be subject to confirmation by the Commission.

1 (2) COMPENSATION.—Subject to the require-
2 ments of subsection (e), the executive director shall
3 be compensated at the rate payable for level V of the
4 Executive Schedule under section 5316 of title 5,
5 United States Code. The Chairman of the Commis-
6 sion may fix the compensation of other personnel
7 without regard to the provisions of chapter 51 and
8 subchapter III of chapter 53 of title 5, United
9 States Code, relating to classification of positions
10 and General Schedule pay rates, except that the rate
11 of pay for such personnel may not exceed the rate
12 payable for level V of the Executive Schedule under
13 section 5316 of such title.

14 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-
15 TENT SERVICES.—The Chairman of the Commission may
16 procure temporary and intermittent services under section
17 3109(b) of title 5, United States Code, at rates for individ-
18 uals which do not exceed the daily equivalent of the annual
19 rate of basic pay prescribed for level V of the Executive
20 Schedule under section 5316 of such title.

21 (e) LIMITATION.—No payment may be made under
22 the authority of this section except to the extent provided
23 for in advance in an appropriation for this purpose.

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

2 The Commission shall terminate 30 days after the
3 date on which the Commission submits its report under
4 section 4.

 Passed the House of Representatives March 5,
1996.

Attest:

ROBIN H. CARLE,
Clerk.

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