

TITLE 25 - INDIANS

CHAPTER 29 - INDIAN GAMING REGULATION

§ 2717. Commission funding

- (a) (1) The Commission shall establish a schedule of fees to be paid to the Commission annually by each gaming operation that conducts a class II or class III gaming activity that is regulated by this chapter.
- (2) (A) The rate of the fees imposed under the schedule established under paragraph (1) shall be—
- (i) no more than 2.5 percent of the first \$1,500,000, and
 - (ii) no more than 5 percent of amounts in excess of the first \$1,500,000, of the gross revenues from each activity regulated by this chapter.
- (B) The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed \$8,000,000.
- (3) The Commission, by a vote of not less than two of its members, shall annually adopt the rate of the fees authorized by this section which shall be payable to the Commission on a quarterly basis.
- (4) Failure to pay the fees imposed under the schedule established under paragraph (1) shall, subject to the regulations of the Commission, be grounds for revocation of the approval of the Chairman of any license, ordinance, or resolution required under this chapter for the operation of gaming.
- (5) To the extent that revenue derived from fees imposed under the schedule established under paragraph (1) are not expended or committed at the close of any fiscal year, such surplus funds shall be credited to each gaming activity on a pro rata basis against such fees imposed for the succeeding year.
- (6) For purposes of this section, gross revenues shall constitute the annual total amount of money wagered, less any amounts paid out as prizes or paid for prizes awarded and less allowance for amortization of capital expenditures for structures.
- (b) (1) The Commission, in coordination with the Secretary and in conjunction with the fiscal year of the United States, shall adopt an annual budget for the expenses and operation of the Commission.
- (2) The budget of the Commission may include a request for appropriations, as authorized by section 2718 of this title, in an amount equal the amount of funds derived from assessments authorized by subsection (a) of this section for the fiscal year preceding the fiscal year for which the appropriation request is made.
- (3) The request for appropriations pursuant to paragraph (2) shall be subject to the approval of the Secretary and shall be included as a part of the budget request of the Department of the Interior.

(Pub. L. 100–497, § 18, Oct. 17, 1988, 102 Stat. 2484; Pub. L. 105–83, title I, § 123(a)(1)–(2)(B), Nov. 14, 1997, 111 Stat. 1566.)

Amendments

1997—Subsec. (a)(1). Pub. L. 105–83, § 123(a)(1), substituted “gaming operation that conducts a class II or class III gaming activity” for “class II gaming activity”.

Subsec. (a)(2)(A)(i). Pub. L. 105–83, § 123(a)(2)(A), substituted “no more than 2.5 percent” for “no less than 0.5 percent nor more than 2.5 percent”.

Subsec. (a)(2)(B). Pub. L. 105–83, § 123(a)(2)(B), substituted “\$8,000,000” for “\$1,500,000”.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 3, 2005 (see <http://www.law.cornell.edu/uscode/uscpint.html>).

Application to Self-Regulated Tribes

Pub. L. 105–83, title I, § 123(a)(2)(C), Nov. 14, 1997, 111 Stat. 1566, as amended by Pub. L. 105–277, div. A, § 101(e) [title III, § 338], Oct. 21, 1998, 112 Stat. 2681–231, 2681–295, provided that: “[N]othing in subsection (a) of this section [amending this section] shall apply to the Mississippi Band of Choctaw.”