

112TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To establish a program for licensing tribal online gaming, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To establish a program for licensing tribal online gaming, 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. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Tribal Online Gaming Act of 2012”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Declaration of policy.
- Sec. 5. Tribal online gaming oversight.
- Sec. 6. Tribal online gaming licenses.
- Sec. 7. Tribal online gaming ordinances.

- Sec. 8. Disciplinary actions.
- Sec. 9. Qualifying tribal regulatory bodies.
- Sec. 10. Service providers.
- Sec. 11. Memorandum of agreement.
- Sec. 12. Tribal-State compacts.
- Sec. 13. Effect on other laws.
- Sec. 14. Applicant fees.
- Sec. 15. Taxation.
- Sec. 16. Revenue sharing.
- Sec. 17. Compulsive gaming, responsible gaming, and self-exclusion program requirements.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) since the development of the Internet, on-  
4 line websites offering Internet gambling have raised  
5 numerous policy, consumer protection, and enforce-  
6 ment concerns for the Federal Government and  
7 State governments, as the websites are run by oper-  
8 ators located in many different countries and have  
9 sought to attract customers from the United States;

10 (2) the subchapter IV of chapter 53 of subtitle  
11 IV of title 31, United States Code (commonly known  
12 as the “Unlawful Internet Gambling Enforcement  
13 Act of 2006”), was intended to aid enforcement ef-  
14 forts against unlawful Internet operators and to  
15 limit unlawful Internet gaming involving persons in  
16 the United States, but that Act has only been par-  
17 tially successful;

18 (3) there is uncertainty about the laws of the  
19 United States governing Internet gambling and  
20 Internet poker, and Federal legislation is necessary

1 to govern the regulation and licensing of Internet  
2 gaming conducted within the United States;

3 (4) Indian gaming comprises 40 percent of all  
4 gaming conducted in the United States;

5 (5) Indian gaming has created approximately  
6 628,000 jobs nationwide for Indians and local com-  
7 munities;

8 (6) United States consumers would benefit from  
9 a program of regulation of tribal online gaming that  
10 recognizes that Indian tribes are sovereign govern-  
11 ments with a right to operate, regulate, tax, and li-  
12 cense online gaming; and

13 (7) Federal legalization of online gaming must  
14 provide positive economic benefits for Indian gaming  
15 since such a program would create thousands of jobs  
16 within the United States.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) CONSORTIUM.—The term “consortium”  
20 means a consortium formed to conduct tribal online  
21 gaming under this Act and consisting of—

22 (A) 2 or more Indian tribes; or

23 (B) 1 or more Indian tribes and 1 or more  
24 non-tribal entities.

1           (2) INDIAN TRIBE.—The term “Indian tribe”  
2           has the meaning given the term in section 102 of the  
3           Federally Recognized Indian Tribe List Act of 1994  
4           (25 U.S.C. 479a)).

5           (3) OFFICE.—The term “Office” means the Of-  
6           fice of Tribal Online Gaming established under sec-  
7           tion 5.

8           (4) SECRETARY.—The term “Secretary” means  
9           the Secretary of Commerce

10          (5) TRIBAL ONLINE GAMING.—The term “tribal  
11          online gaming” means Internet poker conducted by  
12          an Indian tribe in accordance with this Act.

13 **SEC. 4. DECLARATION OF POLICY.**

14          The purposes of this Act are—

15           (1) to allow Indian tribes to carry out Internet  
16           gaming as a means of promoting tribal economic de-  
17           velopment, self-sufficiency, and strong tribal govern-  
18           ments;

19           (2) to provide for the regulation of tribal online  
20           gaming in a manner that protects consumers, pre-  
21           vents minors from playing poker online, adopts strict  
22           internal controls, prevents money laundering, and  
23           ensures that online gaming is conducted fairly and  
24           honestly by operators and players;

1           (3) to establish Federal standards for tribal on-  
2 line gaming in a manner that meets congressional  
3 concerns; and

4           (4) to promote and encourage tribal online  
5 gaming as a means of generating tribal revenue and  
6 providing essential tribal government services.

7 **SEC. 5. TRIBAL ONLINE GAMING OVERSIGHT.**

8           (a) IN GENERAL.—The Secretary shall oversee and  
9 regulate tribal online gaming.

10          (b) DUTIES OF THE SECRETARY.—In carrying out  
11 subsection (a), the Secretary shall—

12           (1) review and approve tribal online gaming or-  
13 dinances;

14           (2) certify tribal qualified regulatory bodies;  
15 and

16           (3) enforce this Act through such means as the  
17 Secretary determines to be appropriate.

18          (c) OFFICE OF TRIBAL ONLINE GAMING.—

19           (1) IN GENERAL.—To assist with the oversight  
20 and regulation responsibilities for tribal online gam-  
21 ing, the Secretary shall establish an office within the  
22 Office of the Secretary, which shall be known as the  
23 “Office of Tribal Online Gaming”.

24           (2) DIRECTOR.—The Office shall be headed by  
25 a Director, who shall be appointed by the Secretary

1 from among individuals who have experience in trib-  
2 al gaming activities.

3 (3) DUTIES.—The Secretary may delegate to  
4 the Director any authority of the Secretary under  
5 this Act, including the authority to promulgate regu-  
6 lations to carry out this Act.

7 **SEC. 6. TRIBAL ONLINE GAMING LICENSES.**

8 (a) TRIBAL ONLINE GAMING LICENSES.—

9 (1) IN GENERAL.—Subject to paragraph (2),  
10 the Secretary may issue a tribal online gaming li-  
11 cense to an Indian tribe or a consortium if the Sec-  
12 retary approves a tribal online gaming ordinance  
13 submitted by the Indian tribe or consortium under  
14 this Act.

15 (2) RESTRICTIONS.—

16 (A) IN GENERAL.—A tribal online gaming  
17 license issued under this section shall only au-  
18 thorize an Indian tribe or a consortium to con-  
19 duct Internet poker gaming.

20 (B) ELIGIBILITY.—

21 (i) IN GENERAL.—An Indian tribe  
22 shall be—

23 (I) eligible to apply for a license  
24 for tribal online gaming under this  
25 Act unless the Indian tribe notifies

1 the Secretary in writing not later than  
2 90 days after the date of enactment of  
3 this Act that the Indian tribe elects  
4 not to participate in tribal online  
5 gaming; and

6 (II) considered to be eligible to  
7 participate in tribal online gaming if  
8 the Secretary does not receive notifi-  
9 cation described in subclause (I).

10 (ii) PUBLICATION OF LIST.—Not later  
11 than 90 days after the date of enactment  
12 of this Act, the Secretary shall publish in  
13 the Federal Register a list of each Indian  
14 tribe that may participate in tribal online  
15 gaming.

16 (iii) CHANGES TO TRIBAL PARTICIPA-  
17 TION.—At any time, an Indian tribe may  
18 change the election described in clause (i)  
19 if the governing body of the Indian tribe  
20 submits written notice of the change to the  
21 Secretary.

22 (C) APPLICABILITY.—

23 (i) IN GENERAL.—Notwithstanding  
24 any other provision of Federal or State law  
25 and subject to clause (ii), an Indian tribe

1 that is issued a license under this Act may  
2 carry out tribal online gaming activities.

3 (ii) RESTRICTION.—An Indian tribe  
4 or consortium issued a tribal online gam-  
5 ing license under this section shall only—

6 (I) accept a bet or wager from a  
7 person who is located in the United  
8 States; and

9 (II) offer play in a game or tour-  
10 nament to a person who is located in  
11 the United States.

12 (b) CONSORTIA.—The Secretary may issue a tribal  
13 online gaming license to a consortium, if—

14 (1) the governing body of each Indian tribe par-  
15 ticipating in the consortium approves the establish-  
16 ment of the consortium; and

17 (2) each consortium submits to the Secretary a  
18 tribal online gaming ordinance, which is approved by  
19 the Secretary.

20 (c) STANDARDS FOR LICENSURE.—

21 (1) SUITABILITY FOR LICENSURE.—

22 (A) IN GENERAL.—The Secretary shall  
23 conduct a background investigation on each In-  
24 dian tribe and tribal entity seeking to carry out  
25 tribal online gaming activities, including any



1 person who is a member of the governing body  
2 of the Indian tribe or tribal entity and each sig-  
3 nificant vendor of the Indian tribe, to determine  
4 the suitability of the Indian tribe to carry out  
5 tribal online gaming.

6 (B) ASSOCIATES OF APPLICANTS.—

7 (i) IN GENERAL.—If the subject of  
8 the background investigation described in  
9 subparagraph (A) is a corporation, part-  
10 nership, or other business entity, the Sec-  
11 retary shall conduct a background inves-  
12 tigation on—

13 (I) the president or other chief  
14 executive of the corporation, partner-  
15 ship, or other business entity; and

16 (II) other partners or senior ex-  
17 ecutives and directors or shareholders  
18 of the corporation, partnership, or en-  
19 tity, as the Secretary determines to be  
20 appropriate.

21 (ii) MINIMUM DETERMINATION.—In  
22 carrying out clause (i), the Secretary shall,  
23 at a minimum, conduct a background in-  
24 vestigation on—

1 (I) the 5 individuals receiving the  
2 highest levels of compensation (wheth-  
3 er in the form of salary, bonus, or  
4 otherwise) from the entity;

5 (II) any person or entity that has  
6 a controlling interest in the entity;

7 (III) each significant vendor of  
8 the entity; and

9 (IV) any other individuals or en-  
10 tities the Secretary determines to be  
11 necessary.

12 (2) SUITABILITY STANDARDS.—An Indian tribe  
13 and any other person or entity subject to a back-  
14 ground investigation under paragraph (1) shall be  
15 determined to be suitable for licensing if the Indian  
16 tribe demonstrates to the Secretary by clear and  
17 convincing evidence that each member of the tribal  
18 governing body or tribal entity and each other per-  
19 son who will have direct responsibility for the tribal  
20 online gaming activities of the Indian tribe—

21 (A) is a person of good character, honesty,  
22 and integrity;

23 (B) is a person whose prior activities,  
24 criminal record (if any), reputation, habits, and  
25 associations do not—

1 (i) pose a threat to the public interest  
2 or to the effective regulation and control of  
3 tribal online gaming; or

4 (ii) create or enhance the dangers of  
5 unsuitable, unfair, or illegal practices,  
6 methods, and activities in the conduct of  
7 tribal online gaming or the carrying on of  
8 the business and financial arrangements  
9 incidental to tribal online gaming;

10 (C) is capable of, and likely to conduct, the  
11 activities for which the person is licensed in ac-  
12 cordance with section 7;

13 (D) has, or guarantees acquisition of, ade-  
14 quate business competence and experience in  
15 the operation of Internet poker; and

16 (E) has or will obtain sufficient financing  
17 for the nature of the proposed operation and  
18 from a suitable source.

19 (3) STANDARDS FOR UNSUITABILITY.—

20 (A) IN GENERAL.—A person may be deter-  
21 mined to be unsuitable to be licensed under this  
22 section if the person—

23 (i) has failed to provide information  
24 and documentation material to a deter-

1 mination of suitability for licensing under  
2 this subsection;

3 (ii) has supplied information that is  
4 untrue or misleading as to a material fact  
5 pertaining to any such determination;

6 (iii) has been convicted of an offense  
7 punishable by imprisonment of more than  
8 1 year;

9 (iv) is delinquent in the payment of  
10 any applicable Federal or State tax, tax  
11 penalty, addition to tax, or interest owed  
12 to a jurisdiction in which the person oper-  
13 ates or does business, unless the payment  
14 has been extended or is the subject of a  
15 pending judicial or administrative dispute;

16 (v) has not agreed in writing to sub-  
17 mit to personal jurisdiction in the United  
18 States for purposes of any matter arising  
19 from the operation of an Internet poker fa-  
20 cility or associated activities; or

21 (vi) is determined not to be suitable  
22 for any other reason by the Secretary.

23 (4) ONGOING REQUIREMENT.—A person or en-  
24 tity that is subject to a background investigation  
25 under paragraph (1) shall meet the standards nec-

1       essary to be suitable for licensing throughout the  
2       term of the license.

3               (5) CERTIFICATE FOR SIGNIFICANT VEN-  
4       DORS.—

5               (A) IN GENERAL.—With respect to signifi-  
6       cant vendors, a determination of suitability by  
7       a tribal governing body or tribal entity shall be  
8       made through a certification of suitability,  
9       which may be issued to a significant vendor  
10      that has been determined to be suitable as part  
11      of any licensing review process.

12              (B) WITHDRAWAL.—The tribal governing  
13      body shall withdraw the certification of suit-  
14      ability at any time during which the significant  
15      vendor no longer meets the suitability stand-  
16      ards.

17              (6) ENFORCEMENT ACTIONS.—If the Secretary  
18      or the tribal governing body, as applicable, deter-  
19      mines that a person issued a license by the Sec-  
20      retary or tribal governing body, or any other person  
21      or entity that is subject to a background investiga-  
22      tion under paragraph (1), fails to meet the suit-  
23      ability requirements of this section at any time dur-  
24      ing the tenure of the license, the Secretary or the  
25      tribal governing body, as applicable, may take any

1 action the Secretary or tribal governing body deter-  
2 mines to be necessary to protect the public interest,  
3 including suspending or terminating the license.

4 (d) SAFEGUARDS REQUIRED OF LICENSEE.—No li-  
5 cense to carry out tribal online gaming shall be issued  
6 under this Act until the date on which an Indian tribe  
7 or a tribal qualified body, as applicable, has implemented  
8 appropriate safeguards—

9 (1) to ensure to a reasonable degree of cer-  
10 tainty that—

11 (A) the individual placing a bet or wager  
12 is not less than 21 years of age;

13 (B) the individual placing a bet or wager  
14 is physically located in a jurisdiction that has  
15 not prohibited those bets or wagers at the time  
16 the bet or wager is placed;

17 (C) the individual placing a bet or wager  
18 is physically located in the United States;

19 (D) all taxes relating to tribal online gam-  
20 ing from persons engaged in bets or wagers re-  
21 lating to that gaming are collected or reported,  
22 as required by law, at the time of any payment  
23 of proceeds of those bets or wagers; and

24 (E) all taxes relating to the operation of  
25 an Internet gaming facility from any Indian

1           tribe or tribal qualified body are collected and  
2           disbursed as required by law and adequate  
3           records are maintained to enable later audit or  
4           verification;

5           (2) to prevent, to a reasonable degree of cer-  
6           tainty, fraud, money laundering, and financing of  
7           terrorism;

8           (3) to ensure, to a reasonable degree of cer-  
9           tainty, mechanisms are in place to prevent compul-  
10          sive play;

11          (4) to protect, to a reasonable degree of cer-  
12          tainty, the privacy and online security of any person  
13          engaged in bets or wagers on the online gaming  
14          website of the Indian tribe or tribal qualified body;

15          (5) to ensure that any user fee is paid to the  
16          Indian tribe or Secretary, as applicable;

17          (6) to ensure, to a reasonable degree of cer-  
18          tainty, that the online games are fair and honest;

19          (7) to prevent, to a reasonable degree of cer-  
20          tainty, cheating, including collusion, and use of  
21          cheating devices, including use of bots; and

22          (8) any other requirement the Secretary may  
23          establish by regulation under this Act.

24          (e) **TERM, RENEWAL AND TRANSFER OF LICENSE.—**

1           (1) TERM.—Any license issued under this sec-  
2           tion shall be issued for a 5-year term beginning on  
3           the date on which the license is issued.

4           (2) RENEWAL.—A license may be renewed sub-  
5           ject to such requirements as the Secretary deter-  
6           mines to be necessary.

7           (f) PENALTIES.—

8           (1) IN GENERAL.—The Secretary may impose a  
9           penalty on an Indian tribe or a consortium issued a  
10          tribal online gaming license under this section if the  
11          Secretary determines that the Indian tribe or con-  
12          sortium—

13                 (A) offer online gaming other than poker  
14                 games; or

15                 (B) violate any other restriction the Sec-  
16                 retary places on tribal online gaming.

17          (2) APPEALS.—An Indian tribe or a consortium  
18          may appeal any penalty imposed under this sub-  
19          section to the United States District Court for the  
20          District of Columbia.

21          (3) CLOSURE OF ONLINE GAMING.—For a sub-  
22          stantial violation of this Act or a regulation promul-  
23          gated by the Secretary under this Act, the Secretary  
24          may order—



1 (A) the temporary suspension of a tribal  
2 online gaming license issued under this Act;

3 (B) the temporary suspension of a tribal  
4 online gaming ordinance approved under this  
5 Act;

6 (C) the temporary closure of a tribal online  
7 gaming facility; or

8 (D) a combination of the activities de-  
9 scribed in subparagraphs (A) through (C).

10 (g) LOCATION OF REMOTE GAMING EQUIPMENT.—

11 (1) IN GENERAL.—To ensure the integrity of  
12 the regulatory system, an Indian tribe or tribal  
13 qualified body shall maintain the remote gaming  
14 equipment of the Indian tribe or tribal qualified  
15 body within the territory of the United States  
16 throughout the term of the license.

17 (2) TRIBAL LAND.—An Indian tribe may re-  
18 quire a significant vendor or other entity to locate  
19 the remote gaming equipment within the territory of  
20 the Indian tribe if the requirement applies to all sig-  
21 nificant vendors or other entities.

22 **SEC. 7. TRIBAL ONLINE GAMING ORDINANCES.**

23 (a) IN GENERAL.—An Indian tribe may be licensed  
24 to carry out tribal online gaming activities or license a  
25 tribal qualified body to carry out tribal online gaming ac-

1 tivities if the governing body of the Indian tribe adopts  
2 an ordinance or resolution that—

3 (1) approves tribal online gaming in accordance  
4 with any conditions on tribal online gaming under—

5 (A) regulations promulgated by the Sec-  
6 retary relating to online gaming;

7 (B) this Act; and

8 (C) any other Federal Internet gaming  
9 law; and

10 (2) is approved by the Secretary.

11 (b) CONTENTS.—

12 (1) IN GENERAL.—Each ordinance or resolution  
13 submitted by a tribal governing body shall include  
14 such information as the Secretary determines to be  
15 necessary, but shall include, at a minimum—

16 (A) the complete financial records of the  
17 Indian tribe for the **【previous 3 fiscal years】**;

18 (B) documentation on the organization of  
19 the Indian tribe and all related businesses and  
20 affiliates of the Indian tribe;

21 (C) the criminal and financial history of  
22 each member of the tribal governing body;

23 (D) any information the Secretary deter-  
24 mines to be necessary to carry out a suitability  
25 analysis under subsection (c);

1 (E) detailed information relating to any  
2 other application for a gaming license pre-  
3 viously or simultaneously submitted to the Sec-  
4 retary by the Indian tribe, including whether  
5 the application was granted or denied;

6 (F) a detailed description of the plan of  
7 the Indian tribe for complying with all applica-  
8 ble requirements of this Act, with particular  
9 emphasis on the ability of the Indian tribe to  
10 satisfy section 6(d);

11 (G) a certification by the Indian tribe that  
12 the Indian tribe agrees to be subject to the ju-  
13 risdiction of the applicable courts of the United  
14 States and all applicable Federal laws relating  
15 to the operation of an Internet poker facility  
16 and associated activities; and

17 (H) a certification by the Indian tribe that  
18 the Indian tribe agrees—

19 (i) to assume regulatory responsibility  
20 for any tribal online gaming activities car-  
21 ried out by the Indian tribe;

22 (ii) to use any net revenues from trib-  
23 al online gaming—

24 (I) to fund tribal government op-  
25 erations or programs;

20

1 (II) to provide for the general  
2 welfare of the Indian tribe and the  
3 members of the Indian tribe;

4 (III) to promote tribal economic  
5 development;

6 (IV) to provide amounts to chari-  
7 table organizations; or

8 (V) to provide amounts to local  
9 governmental agencies for operations;

10 (iii) to submit to the Secretary an an-  
11 nual audit of the tribal online gaming ac-  
12 tivities, which shall be carried out by an  
13 independent auditor and may be included  
14 as part of an existing tribal audit system;  
15 and

16 (iv) to establish a licensing system for  
17 primary management officials and employ-  
18 ees of the tribal online gaming enterprise  
19 in accordance with subsection (c).

20 (2) TRIBAL QUALIFIED BODIES.—If an Indian  
21 tribe licenses a tribal qualified body to carry out  
22 tribal online gaming for the Indian tribe, the tribal  
23 qualified body shall submit to the Secretary the in-  
24 formation under paragraph (1), as the that informa-  
25 tion relates to the tribal qualified body.

1 (c) TRIBAL LICENSING SYSTEM FOR PRIMARY MAN-  
2 AGEMENT OFFICIALS AND EMPLOYEES OF TRIBAL ON-  
3 LINE GAMING ENTERPRISES.—

4 (1) IN GENERAL.—Each Indian tribe submit-  
5 ting an ordinance or resolution under this section  
6 shall establish a tribal licensing system for primary  
7 management officials and employees of the tribal on-  
8 line gaming enterprise.

9 (2) REQUIREMENTS.—

10 (A) IN GENERAL.—A tribal licensing sys-  
11 tem shall require an initial background inves-  
12 tigation to be conducted for each applicant for  
13 a position of primary management in the tribal  
14 online gaming enterprise to determine suit-  
15 ability of the applicant to participate, engage  
16 in, or be associated with tribal online gaming.

17 (B) SUITABILITY STANDARDS.—The suit-  
18 ability standards described in section 6(c)(2)  
19 shall apply to an applicant described in sub-  
20 paragraph (A).

21 (3) ISSUANCE OF TRIBAL LICENSE.—An appli-  
22 cant who is determined to be suitable for employ-  
23 ment after the background investigation is con-  
24 ducted shall be issued a tribal license to carry out  
25 tribal online gaming activities.

1           (4) NOTIFICATION.—Each Indian tribe shall  
2 submit to the Secretary—

3           (A) a description of the results of each  
4 background investigation conducted under this  
5 subsection; and

6           (B) a list of the names of each individual  
7 to whom a license is issued by the Indian tribe  
8 as soon as practicable.

9           (5) COORDINATION WITH NATIONAL INDIAN  
10 GAMING COMMISSION AND THE DEPARTMENT OF  
11 JUSTICE.—

12           (A) IN GENERAL.—To avoid duplication of  
13 Federal services, before conducting a back-  
14 ground investigation under this subsection, an  
15 Indian tribe shall coordinate with the National  
16 Indian Gaming Commission and the Depart-  
17 ment of Justice to determine whether a back-  
18 ground investigation has already been con-  
19 ducted for an individual and submitted to the  
20 National Indian Gaming Commission or the De-  
21 partment of Justice.

22           (B) ADMINISTRATION.—If a background  
23 investigation has been conducted for an indi-  
24 vidual and submitted to the National Indian

1 Gaming Commission or the Department of Jus-  
2 tice—

3 (i) the National Indian Gaming Com-  
4 mission of the Department of Justice, as  
5 applicable, shall provide to the Indian tribe  
6 the results of the background investigation;  
7 and

8 (ii) the Indian tribe shall not be re-  
9 quired to conduct a background investiga-  
10 tion.

11 (6) UPDATES.—The background investigation  
12 for each individual receiving a tribal license under  
13 this subsection shall updated periodically.

14 (d) REVOCATION OF ORDINANCE OR RESOLUTION.—  
15 The governing body of an Indian tribe, in the sole discre-  
16 tion of the Indian tribe and without the approval of the  
17 Secretary, may adopt an ordinance revoking an prior ordi-  
18 nance that authorized tribal online gaming, which revoca-  
19 tion shall render tribal online gaming illegal by the Indian  
20 tribe.

21 (e) USE OF NET REVENUES.—An Indian tribe may  
22 use net revenues received from tribal online gaming or  
23 from licenses issued by the Indian tribe to tribal qualified  
24 bodies to make per capita payments to members of the  
25 Indian tribe if—

1           (1) the Indian tribe prepares a plan to allocate  
2 revenues to 1 or more activities described in sub-  
3 section (b)(1)(H)(ii) that is approved by the Sec-  
4 retary;

5           (2) the interests of minors and other legally in-  
6 competent persons who are entitled to receive any of  
7 the per capita payments are protected and preserved  
8 and the per capita payments are disbursed to the  
9 parents or legal guardian of those minors or legally  
10 incompetent persons in such amounts as may be  
11 necessary for the health, education, or welfare of the  
12 minor or the legally incompetent person under a  
13 plan approved by the Secretary and the governing  
14 body of the Indian tribe; and

15           (3) the per capita payments are subject to Fed-  
16 eral taxation, of which tax liability the Indian tribe  
17 shall notify the recipients when a payment is made.

18           (f) APPROVAL OF TRIBAL ONLINE GAMING ORDI-  
19 NANCES.—

20           (1) IN GENERAL.—Not later than 90 days after  
21 the date on which a tribal online gaming ordinance  
22 or resolution is submitted to the Secretary, the Sec-  
23 retary shall approve the ordinance or resolution if  
24 the ordinance or resolution meets the requirements



1 of this section, unless the Secretary determines  
2 that—

3 (A) the ordinance or resolution was not  
4 adopted in compliance with the governing docu-  
5 ments of the Indian tribe;

6 (B) the tribal governing body was signifi-  
7 cantly and unduly influenced by any person in  
8 the adoption of the ordinance or resolution; or

9 (C) the tribal governing body is not suit-  
10 able to carry out tribal online gaming under  
11 section 6(c).

12 (2) AUTOMATIC APPROVAL.—If the Secretary  
13 does not approve or deny an ordinance or resolution  
14 before the expiration of the time period under para-  
15 graph (1), the ordinance or resolution shall be con-  
16 sidered to have been approved by Secretary, but only  
17 to the extent that the ordinance or resolution is con-  
18 sistent with this Act.

19 **SEC. 8. DISCIPLINARY ACTIONS.**

20 (a) IN GENERAL.—A licensee may be subject to dis-  
21 ciplinary action, including suspension or revocation of the  
22 license, by the Secretary or the Indian tribe that issues  
23 the license if the licensee fails to comply with any provision  
24 of this Act or regulation promulgated by the Secretary  
25 under this Act.

1 (b) APPLICABILITY.—

2 (1) IN GENERAL.—Only the Secretary or the  
3 Indian tribe that granted the license may initiate  
4 disciplinary action under this section.

5 (2) OTHER REGULATORY AUTHORITY.—Noth-  
6 ing in this section limits a regulatory body that has  
7 authority over a licensee or an affiliated entity of the  
8 licensee independent from the authority under this  
9 Act from taking action under the laws of that regu-  
10 latory body.

11 (c) NOTICE REQUIRED.—A disciplinary action may  
12 only be commenced against a licensee under this section  
13 on service of a formal written complaint on the licensee,  
14 a copy of which shall be submitted to the Secretary, that  
15 sets forth the grounds for the disciplinary action and the  
16 proposed penalty that is being sought.

17 (d) PENALTIES.—A penalty under this section may  
18 include—

19 (1) the imposition of a fine;

20 (2) a limitation, condition, suspension, or rev-  
21 ocaion of a license; or

22 (3) a combination of the actions described in  
23 paragraphs (1) and (2).

1 (e) JURISDICTION.—A disciplinary action under this  
2 section shall be carried out in accordance with the law of  
3 the court in which the disciplinary action is brought.

4 (f) FINAL ACTION.—A disciplinary action under this  
5 section shall be treated as a final action.

6 (g) APPEALS.—

7 (1) IN GENERAL.—A licensee subject to discipli-  
8 nary action under this section may file an appeal in  
9 the United States District Court for the District of  
10 Columbia.

11 (2) REVIEW.—The court shall review the discipli-  
12 nary action to determine whether the discipli-  
13 nary action is—

14 (A) arbitrary, capricious, an abuse of dis-  
15 cretion, or otherwise not consistent with law;

16 (B) not made consistent with required pro-  
17 cedures; or

18 (C) unsupported by substantial evidence.

19 (h) EFFECT ON GAMING DURING APPEAL PROC-  
20 ESS.—For the period of time during which a challenge to  
21 a suspension or revocation of an existing license is pend-  
22 ing, the licensee shall prohibit players from placing any  
23 bets or wagers.

24 (i) RETURN OF CUSTOMER FUNDS.—If the license of  
25 a licensee is revoked and no appeal to the revocation is

1 pending, the licensee shall, not later than 30 days after  
2 the date on which the license is revoked—

3 (1) return all amounts received from customers  
4 in an orderly manner; or

5 (2) if the amounts cannot be returned due to  
6 change in customer address, bank details, or similar  
7 difficulty, the amounts shall be deposited in an ac-  
8 count with a financial institution in the United  
9 States for safekeeping and orderly disposition by the  
10 Secretary.

11 **SEC. 9. QUALIFYING TRIBAL REGULATORY BODIES.**

12 (a) DESIGNATION.—

13 (1) AUTOMATIC DESIGNATION.—

14 (A) IN GENERAL.—Effective beginning on  
15 the date of enactment of this Act, any tribal  
16 governing body that meets the qualifications de-  
17 scribed in subparagraph (B) may be designated  
18 as a tribal qualified body with the authority—

19 (i) to review applications;

20 (ii) to issue licenses; and

21 (iii) to engage in all other regulatory  
22 and enforcement functions specified in this  
23 Act.

1 (B) QUALIFICATIONS.—The qualifications  
2 referred to in subparagraph (A) are that the  
3 applicable Indian tribe—

4 (i) is in good standing with the Na-  
5 tional Indian Gaming Commission;

6 (ii) is not the subject of a closure  
7 order by the National Indian Gaming Com-  
8 mission; and

9 (iii) as determined by the National In-  
10 dian Commission, has regulated an Indian  
11 gaming facility, which may include any  
12 physical Indian gaming facility, for not less  
13 than 2 years preceding the date of enact-  
14 ment of this Act.

15 (C) EFFECTIVE DATE.—The designation  
16 as a tribal qualified body under this paragraph  
17 shall take effect beginning on the date on which  
18 a State agency or tribal regulatory body that  
19 meets the requirements of this paragraph pro-  
20 vides a notice to the Secretary.

21 (2) APPLICATION FOR DETERMINATION.—

22 (A) IN GENERAL.—Effective beginning on  
23 the date on which the Secretary promulgates  
24 final regulations pursuant to this Act, any  
25 State or tribal regulatory body that is not a

1 tribal qualified body under paragraph (1), but  
2 that regulates casino gaming, may submit to  
3 the Secretary—

4 (i) a request for designation as a trib-  
5 al qualified body; and

6 (ii) such documentation as the Sec-  
7 retary determines to be necessary to deter-  
8 mine whether the State or tribal regulatory  
9 body is qualified to review applications,  
10 issue licenses, and engage in all other reg-  
11 ulatory and enforcement functions speci-  
12 fied in this Act.

13 (B) DESIGNATION.—

14 (i) IN GENERAL.—Not later than 90  
15 days after the date on which the Secretary  
16 receives a request from a State or a tribal  
17 regulatory body under subparagraph (A),  
18 the Secretary shall designate the State or  
19 a tribal regulatory body as a tribal quali-  
20 fied body, and provide to the State or a  
21 tribal regulatory body a notification of the  
22 designation, only if the Secretary deter-  
23 mines that the laws and regulations pro-  
24 viding authority to the State or a tribal  
25 regulatory body and the enforcement re-

1 sources of the State or a tribal regulatory  
2 body are sufficient to ensure that the State  
3 or a tribal regulatory body has the author-  
4 ity, capacity, and resources necessary to  
5 review applications, issue licenses, and en-  
6 gage effectively in all other regulatory and  
7 enforcement functions specified in this Act.

8 (ii) FACTORS FOR CONSIDERATION.—

9 In making a determination under clause  
10 (i), the Secretary shall take into consider-  
11 ation—

12 (I) whether the State or a tribal  
13 regulatory body—

14 (aa) employs a sufficient  
15 number of enforcement agents  
16 with experience in gaming regu-  
17 latory enforcement areas to carry  
18 out the duties of a tribal quali-  
19 fied body; and

20 (bb) has the sophistication  
21 and resources necessary to evalu-  
22 ate issues unique to the online  
23 environment;

24 (II)(aa) the period of time for  
25 which the State or a tribal regulatory

1 body has effectively regulated other  
2 forms of gaming; and

3 (bb) whether the State or a tribal  
4 regulatory body has a history of dem-  
5 onstrated regulatory enforcement and  
6 oversight commensurate with the re-  
7 sponsibilities of a tribal qualified body  
8 under this Act; and

9 (III) the experience of the State  
10 or a tribal regulatory body relating to  
11 cooperation with Federal departments  
12 and agencies, including the Financial  
13 Crimes Enforcement Network;

14 (iii)(I) whether the State or a tribal  
15 regulatory body or any other agent or in-  
16 strumentality of the relevant State or In-  
17 dian tribe owns or has any ownership in-  
18 terest, directly or indirectly, in a licensee,  
19 applicant, significant vendor, or potential  
20 applicant or significant vendor, except that  
21 a noncontrolling investment held by a  
22 State, tribal, or local government pension,  
23 retirement, annuity, or endowment fund  
24 shall not be considered to be an ownership  
25 interest for purposes of this clause; and



1 (II) if such an interest exists, the pro-  
2 cedures and organizational or other struc-  
3 tures that have been erected between the  
4 State or a tribal regulatory body and those  
5 other agents or instrumentalities to pre-  
6 vent impairment and the appearance of im-  
7 pairment to the integrity of the regulatory  
8 functions; and

9 (iv) such other factors as the Sec-  
10 retary may specify, by regulation, or deter-  
11 mines to be relevant to the ability of the  
12 State or tribal regulatory body to serve as  
13 an effective tribal qualified body.

14 (C) MINIMUM REQUIREMENTS OF QUALI-  
15 FIED BODIES UNDER STATE OR TRIBAL LAW.—  
16 At a minimum, as a condition of the receipt of  
17 benefits under this Act, applicable tribal law  
18 shall provide to tribal qualified bodies the au-  
19 thority—

20 (i) to investigate the suitability of  
21 each applicant to ensure compliance with  
22 this Act and regulations promulgated pur-  
23 suant to this Act;

24 (ii) to require licensees to maintain  
25 appropriate procedures to ensure compli-

1           ance with this Act and regulations promul-  
2           gated pursuant to this Act;

3                   (iii) to examine any licensee and any  
4           books, papers, records, or other data of li-  
5           censees relevant to any recordkeeping or  
6           reporting requirements imposed by the  
7           tribal qualified body under this Act;

8                   (iv) to summon a licensee or an appli-  
9           cant for a license, an officer or employee of  
10          a licensee or any such applicant (including  
11          a former officer or employee), or any indi-  
12          vidual having possession, custody, or care  
13          of the reports and records required by the  
14          tribal qualified body under this Act, to ap-  
15          pear before the tribal qualified body at a  
16          time and place named in the summons and  
17          to produce such books, papers, records, or  
18          other data, and to give testimony, under  
19          oath, as may be relevant or material to any  
20          investigation in connection with the en-  
21          forcement of this Act or any application  
22          for a license under this Act;

23                   (v) to enforce or direct the enforce-  
24          ment of a summons in State or tribal  
25          court;

1 (vi) to investigate any violation of this  
2 Act or regulations promulgated pursuant  
3 to this Act, and any other violation of ap-  
4 plicable State or tribal law relating to the  
5 operation of an Internet poker facility;

6 (vii) to conduct continuing reviews of  
7 applicants and licensees and the operation  
8 of Internet poker facilities by licensees by  
9 use of technological means, onsite observa-  
10 tion of facilities, including servers, or other  
11 reasonable means to assure compliance  
12 with this Act and the regulations promul-  
13 gated pursuant to this Act; and

14 (viii) to impose civil penalties for vio-  
15 lations of this Act and regulations promul-  
16 gated pursuant to this Act, including a  
17 State or tribal law described in this sub-  
18 section.

19 (3) REGULATION BY OFFICE.—

20 (A) IN GENERAL.—The Office shall act as  
21 a tribal qualified body for purposes of reviewing  
22 the license application of, issuing a license to,  
23 and regulating the provision of Internet poker  
24 services under this Act by any applicant or li-  
25 censee that—

1 (i) is a federally recognized Indian  
2 tribe; and

3 (ii) submits an application to the Of-  
4 fice.

5 (B) EFFECT OF PARAGRAPH.—Nothing in  
6 this paragraph requires any federally recognized  
7 Indian tribe to seek a license from the Office.

8 (4) REGULATION BY OFFICE.—The Office shall  
9 obtain sufficient staff, resources, and expertise to  
10 carry out the functions of a tribal qualified body  
11 under this subsection.

12 (5) REGULATION REQUIREMENT.—The regula-  
13 tions promulgated pursuant to this subsection to im-  
14 plement this section shall be substantially equivalent  
15 to the regulations adopted by State agencies or trib-  
16 al regulatory bodies designated as tribal qualified  
17 bodies under paragraph (1).

18 (6) WITHDRAWAL OF QUALIFICATION.—

19 (A) AUTOMATICALLY QUALIFIED BOD-  
20 IES.—

21 (i) IN GENERAL.—If the Secretary de-  
22 termines, after promulgating final regula-  
23 tions, that a tribal qualified body under  
24 paragraph (1) will not satisfy the require-  
25 ments necessary to be designated as a trib-

1 al qualified body if the entity were to apply  
2 to be a tribal qualified body under para-  
3 graph (2), the Secretary may provide to  
4 the tribal qualified body—

5 (I) a notice that the Secretary in-  
6 tends to withdraw the qualification;  
7 and

8 (II) a description of the measures  
9 the tribal qualified body shall carry  
10 out to maintain the designation as a  
11 tribal qualified body.

12 (ii) WITHDRAWAL.—Not later than 1  
13 year after the date on which a notice is  
14 provided to a tribal qualified body under  
15 clause (i), the Secretary may withdraw the  
16 designation as a tribal qualified body  
17 under paragraph (1) if the tribal qualified  
18 body has not taken the measures described  
19 in clause (i)(II).

20 (B) ALL QUALIFIED BODIES.—

21 (i) IN GENERAL.—Not later than 1  
22 year after the date on which the final regu-  
23 lations under this Act are promulgated,  
24 and not earlier than 60 days after pro-  
25 viding to the affected tribal qualified body

1 a notice, the Secretary may withdraw the  
2 designation as a tribal qualified body  
3 under this subsection, if the Secretary de-  
4 termines that the tribal qualified body is  
5 not in compliance with the requirements of  
6 this Act or the regulations promulgated  
7 pursuant to this Act.

8 (ii) OPPORTUNITY TO COMPLY.—The  
9 Secretary may provide to an affected tribal  
10 qualified body an opportunity to comply  
11 with the requirements of this Act or the  
12 regulations promulgated pursuant to this  
13 Act for a period of not more than 180 days  
14 after the date on which notice is provided  
15 under clause (i).

16 (iii) NO NEW LICENSES.—A tribal  
17 qualified body that receives a notice under  
18 this subparagraph shall not issue any new  
19 license until the date on which the Sec-  
20 retary determines that the tribal qualified  
21 body complies with the requirements of  
22 this Act or the regulations promulgated  
23 pursuant to this Act .

24 (C) JUDICIAL REVIEW.—A tribal qualified  
25 body that is a State agency or tribal regulatory

1 body has the right to appeal to the United  
2 States District Court for the District of Colum-  
3 bia any withdrawal under subparagraph (A) or  
4 (B), for review for an abuse of discretion.

5 (D) EFFECT ON LICENSEES.—If a tribal  
6 qualified body is the subject of a withdrawal  
7 under this paragraph—

8 (i) each licensee of the tribal qualified  
9 body shall—

10 (I)(aa) cease offering, accepting,  
11 and providing services with respect to  
12 bets or wagers from individuals in the  
13 United States;

14 (bb) return all customer deposits  
15 not later than 30 days after the date  
16 of the withdrawal; and

17 (cc) deposit any deposit the re-  
18 turn of which to a customer in the  
19 United States is not feasible due to  
20 change in customer address, bank de-  
21 tails, or similar difficulty, in escrow in  
22 an account with a financial institution  
23 in the United States for safekeeping  
24 and orderly disposition by the Sec-  
25 retary; or

1 (II) apply for a new license from  
2 a separate tribal qualified body not  
3 later than 30 days after the date of  
4 the withdrawal; and

5 (ii) if a licensee seeks a new license  
6 under clause (i)(II)—

7 (I) the licensee may continue to  
8 operate until final action is taken on  
9 the license application by the separate  
10 tribal qualified body; and

11 (II) the Secretary—

12 (aa) shall have enforcement  
13 and regulatory authority over the  
14 licensee until final action is taken  
15 on the license application; and

16 (bb) may delegate the en-  
17 forcement and regulatory author-  
18 ity over the licensee to another  
19 tribal qualified body.

20 (b) RELIANCE ON TRIBAL REGULATORY BODIES.—

21 During the period for which any entity is designated as  
22 a tribal qualified body under subsection (a), the tribal  
23 qualified body—



1           (1) may accept and review any application for  
2 a license under this Act, in accordance with the re-  
3 quirements of this Act;

4           (2) may assess on each applicant a user fee for  
5 conducting such a review in an amount the tribal  
6 qualified body determines to be necessary to pay the  
7 expenses of the review;

8           (3) may carry out a review of any individual or  
9 entity, as necessary to make suitability determina-  
10 tions under this Act;

11           (4) may issue licenses under this Act;

12           (5) may engage in any other regulatory or en-  
13 forcement function with respect to applications to  
14 the tribal qualified body and licenses issued by the  
15 tribal qualified body necessary to carry out the pur-  
16 poses of this Act; and

17           (6) shall submit to the Secretary a report de-  
18 scribing all applicants for licensure and the disposi-  
19 tions of the applications, including such information  
20 or documentation as the Secretary may request—

21                   (A) promptly on disposition of each appli-  
22 cation; or

23                   (B) at such intervals as the Secretary may  
24 require.

1 **SEC. 10. SERVICE PROVIDERS.**

2 (a) IN GENERAL.—Each licensee under this Act shall  
3 promptly notify the Secretary or Indian tribe that issued  
4 the license of all persons that are not significant vendors  
5 but that—

6 (1) direct, provide, or solicit customers to or for  
7 the Internet poker facility of the licensee or materi-  
8 ally assist in any of those activities in exchange for  
9 a commission or other fee;

10 (2) hold themselves out to the public as offering  
11 bets or wagers on behalf of the licensee;

12 (3) offer an Internet poker facility under their  
13 own name or brand but use and rely on the Internet  
14 poker facility of the licensee;

15 (4) license trademarks, trade names, service  
16 marks, or other similar intellectual property to the  
17 licensee; or

18 (5) own a substantial interest in or control per-  
19 sons described in paragraphs (1) through (4).

20 (b) SUITABILITY.—The Secretary or the Indian tribe  
21 issuing a license under this Act, at the sole discretion of  
22 the Secretary or Indian tribe and on a case-by-case basis,  
23 may require a person meet suitability requirements de-  
24 scribed in section 6(c)(2) to conduct business with a li-  
25 censee if the person is—

26 (1) described in subsection (a); or

1           (2) is any other person that provides services to  
2           a licensee, if the Secretary or the Indian tribes de-  
3           termines that with respect to the services offered to  
4           the licensee that there is a substantial risk of cir-  
5           cumvention of the suitability requirements applicable  
6           to significant vendors.

7           (c) INFORMATION.—The Secretary or an Indian  
8           tribe, as applicable, may require such information from  
9           an applicant, licensee, significant vendor, or person de-  
10          scribed in subsection (a) as the Secretary or Indian tribe  
11          determines to be necessary to carry out this section.

12          **SEC. 11. MEMORANDUM OF AGREEMENT.**

13          (a) IN GENERAL.—To avoid duplication of Federal  
14          information and resources, the Secretary shall offer to  
15          enter into a memorandum of agreement with the chair-  
16          person of the National Indian Gaming Commission and  
17          the Attorney General to share information collected by the  
18          National Indian Gaming Commission and the Department  
19          of Justice in the course of regulation of tribal gaming fa-  
20          cilities under the Indian Gaming Regulatory Act with the  
21          Secretary and Indian tribes to carry out this Act.

22          (b) CONTENTS.—The information to be shared shall  
23          include—

24                  (1) background information collected on em-  
25          ployees of tribal online gaming entities;

1           (2) any financial information necessary to col-  
2 lect fees under this Act; and

3           (3) any other information collected by the Na-  
4 tional Indian Gaming Commission or the Depart-  
5 ment of Justice.

6 **SEC. 12. TRIBAL-STATE COMPACTS.**

7 Nothing in this Act—

8           (1) alters, diminishes, or otherwise impacts any  
9 right or obligation existing under a tribal-State com-  
10 pact approved pursuant to the Indian Gaming Regu-  
11 latory Act (25 U.S.C. 2701 et seq.); or

12           (2) requires the renegotiation of a compact de-  
13 scribed in paragraph (1).

14 **SEC. 13. EFFECT ON OTHER LAWS.**

15       (a) IN GENERAL.—Subject to subsection (b), nothing  
16 in this Act or an amendment made by this Act affects  
17 any Federal law relating to Indian tribes.

18       (b) ONLINE GAMING.—If subsequent Federal law al-  
19 lows States to conduct online gaming in addition to online  
20 poker games, Indian tribes shall be offered the same right  
21 to conduct that online gaming.

22 **SEC. 14. APPLICANT FEES.**

23       (a) DEFINITION OF APPLICANT.—In this section, the  
24 term “applicant” means the person applying—

1           (1) to the Secretary for a tribal online gaming  
2 license; or

3           (2) to the Indian tribe—

4                 (A) to act as a tribal qualified body; or

5                 (B) for a position of primary management  
6 of a tribal online gaming entity.

7 (b) ASSESSMENT.—

8           (1) IN GENERAL.—The cost of administering  
9 this Act, including the cost of any background inves-  
10 tigation, shall be assessed against the applicant.

11           (2) NOTIFICATION.—The Secretary or the In-  
12 dian tribe, as applicable, shall provide to the appli-  
13 cant written notice of the amount for which the Sec-  
14 retary or Indian tribe determines the applicant is re-  
15 sponsible.

16           (3) APPLICABILITY.—Expenses that are attrib-  
17 utable—

18                 (A) to a background investigation carried  
19 out on a particular applicant shall be assessed  
20 against that applicant; and

21                 (B) for general administration shall be as-  
22 sessed against all applicants equally.

23 (c) DISPOSITION.—Amounts assessed under sub-  
24 section (b) shall—

1           (1) be available to the Secretary or Indian  
2           tribe, as applicable, to cover expenses incurred by  
3           the Secretary or Indian tribe in carrying out this  
4           Act; and

5           (2) not be construed to be Government funds,  
6           appropriated amounts, or subject to apportionment.

7           (d) **USER FEES SET BY SECRETARY.**—The Secretary  
8           may determine the fee structure for applicants under this  
9           section, subject to the condition that the fees do not exceed  
10          the amount the Secretary determines necessary to carry  
11          out this Act.

12          (e) **COLLECTION BY INDIAN TRIBE.**—An Indian tribe  
13          that collects fees from applicants under this section shall  
14          remit those fees promptly to the Secretary.

15          (f) **DEFAULT.**—

16               (1) **REFERRAL.**—If an applicant fails to pay a  
17               fee assessed against that applicant under this sec-  
18               tion after the date on which the assessment is final,  
19               the Secretary or the Indian tribe, as applicable, may  
20               recover the amount assessed by bringing a civil ac-  
21               tion in a tribal court or the appropriate United  
22               States district court, along with any costs associated  
23               with the litigation and attorneys' fees.

1           (2) ASSESSMENT REVIEWABLE.—In any civil  
2           action under paragraph (1), a court may review the  
3           validity and adjust the amount of the fee.

4           (g) DIRECT AND EXCLUSIVE OBLIGATION OF LI-  
5           CENSEE.—A fee assessed under this section shall be the  
6           direct and exclusive obligation of the applicant.

7           **SEC. 15. TAXATION.**

8           Since net revenues from tribal online gaming are re-  
9           quired to be used for 1 of 5 tribal governmental purposes,  
10          no revenue generated by an Indian tribe from tribal online  
11          gaming on Indian land shall be subject to any Federal or  
12          State tax.

13          **SEC. 16. REVENUE SHARING.**

14          (a) IN GENERAL.—An Indian tribe that participates  
15          in tribal online gaming shall deposit 1 percent of the gross  
16          gaming revenues of the Indian tribe in an escrow account  
17          at the Department of Treasury.

18          (b) DISBURSEMENT.—Each year, on October 1, the  
19          amount of revenue in the escrow account described in sub-  
20          section (a) shall be disbursed in equal amounts to each  
21          of the Indian tribes that have opted out of participation  
22          in tribal online lending for the uses set out in section 7.

1 **SEC. 17. COMPULSIVE GAMING, RESPONSIBLE GAMING,**  
2 **AND SELF-EXCLUSION PROGRAM REQUIRE-**  
3 **MENTS.**

4 (a) REGULATIONS.—

5 (1) IN GENERAL.—Each Indian tribe or tribal  
6 qualified body shall promulgate regulations for the  
7 development of a compulsive gaming, responsible  
8 gaming, and self-exclusion program, which shall be  
9 implemented as a condition of receiving a license  
10 from the tribal qualified body.

11 (2) ESTABLISHMENT OF PROGRAM.—The regu-  
12 lations promulgated pursuant to paragraph (1) shall  
13 provide for the establishment of a program to alert  
14 the public to the existence, consequences, and avail-  
15 ability of the self-exclusion list established under  
16 **【subsection (c)】**.

17 (b) MINIMUM REQUIREMENTS.—The regulations pro-  
18 mulgated by a tribal qualified body pursuant to paragraph  
19 (1) shall require, at a minimum, that each licensee of the  
20 tribal qualified body shall—

21 (1) each time the player signs into the online  
22 website of the tribal qualified body to place a bet or  
23 wager, provide (including, at the discretion of the  
24 tribal qualified body, through a hyperlink or com-  
25 parable mechanism) informational materials regard-  
26 ing responsible gaming, including information on the



1 self-exclusion list established under **【subsection (c)】**  
2 and the method by which a player may request  
3 placement on the list;

4 (2) provide to any requesting player informa-  
5 tional materials regarding responsible gaming;

6 (3) make continuously available individualized  
7 responsible gaming options that any customer may  
8 select, including allowing customers to self-limit ac-  
9 cess to the issuance of credit, check cashing, or di-  
10 rect mail marketing by the licensee, in each case,  
11 and to the extent, that the tribal qualified body de-  
12 termines to be appropriate; and

13 (4) ensure that each person whose name is in-  
14 cluded on the list of self-excluded persons estab-  
15 lished under **【subsection (c)】** is prevented from ini-  
16 tiating any bet or wager in accordance with this Act.

17 **【(c) SELF-EXCLUSION LIST.—*TO BE SUPPLIED.*】**