

form of legalized gambling is allowed to operate or to continue to operate. Such requirements should be specifically itemized in a state statute as applicable to a state-run lottery. Similarly, such requirements should also be specified and made applicable for inclusion in tribal government law and tribal-state compacts.

- 4-1 The Commission respectfully recommends that all relevant governmental gambling regulatory agencies require, as a condition of any gambling facility's license to operate, that each applicant adhere to the following:

- Adopt a clear mission statement as to applicant's policy on problem and pathological gambling.
- Appoint an executive of high rank to execute and provide ongoing oversight of the corporate mission statement on problem and pathological gambling.
- Contract with a state-recognized gambling treatment professional to train management and staff to develop strategies for recognizing and addressing customers whose gambling behavior may strongly suggest they may be experiencing serious to severe difficulties.
- Under a state "hold harmless" statute, refuse service to any customer whose gambling behavior convincingly exhibits indications of a gambling disorder.
- Under a state "hold harmless" statute, respectfully and confidentially provide the customer (as described above) with written information that includes a state-approved list of professional gambling treatment programs and state-recognized self-help groups.
- Provide insurance that makes available medical treatment for problem and for pathological gambling facility employees.

- 4-2 The Commission recommends that each state and tribal government enact, if it has not already done so, a gambling privilege tax, assessment, or other contribution on all gambling operations within its boundaries, based upon the gambling revenues of each operation. A sufficient portion of such monies shall be used to create a dedicated fund for the development and ongoing support of problem gambling-specific research, prevention, education, and treatment

programs. The funding dedicated for these purposes shall be sufficient to implement the following goals:

- Undertake biennial research by a nonpartisan firm experienced in problem-gambling research to estimate the prevalence of problem and pathological gambling among the general adult population. Specific focus on major subpopulations including youth, women, elderly, and minority group gamblers should also be included. An estimate of prevalence among patrons at gambling facilities or outlets in each form of gambling should also be included.
 - Initiate public awareness, education, and prevention programs aimed at vulnerable populations. One such purpose of such programs will be to intercept the progression of many problem gamblers to pathological states.
 - Identify and maintain a list of gambling treatment services available from licensed or state-recognized professional providers, as well as the presence of state-recognized self-help groups.
 - Establish a demographic profile for treatment recipients and services provided, as state and federal laws permit. Develop a treatment outcome mechanism that will compile data on the efficacy of varying treatment methods and services offered, and determine whether sufficient professional treatment is available to meet the demands of persons in need.
 - When private funding is not available, subsidize the costs of approved treatment by licensed or state-recognized gambling treatment professionals for problem and pathological gamblers as well as adversely affected persons. Additionally, such funds shall ensure that persons in need of treatment can receive necessary support based upon financial need. Treatment cost reimbursement levels and protocols will be established by each state.
- 4-3 Despite the fact that pathological gambling is a recognized medical disorder, most insurance companies and managed care providers do not reimburse for treatment. The Commission recommends to states that they mandate that private and public insurers and managed care providers identify successful treatment programs, educate participants about pathological gambling and treatment options, and cover the appropriate programs under their plans.

- 4-4 The Commission recommends that each gambling facility must implement procedures to allow for voluntary self-exclusion, enabling gamblers to ban themselves from a gambling establishment for a specified period of time.
- 4-5 The Commission recommends encouraging private volunteerism of groups and associations working across America to solve problem gambling, especially those involving practitioners who are trying to help people who are problem gamblers. This should include strategically pooling resources and networking, drawing on the lists of recommendations these organizations have presented to the Commission, and working to develop uniform methods of diagnosis.
- 4-6 The Commission recommends each state-run or approved gambling operation be required to conspicuously post and disseminate the telephone numbers of at least two state-approved providers of problem-gambling information, treatment, and referral support services.

CHAPTER 5. INTERNET GAMBLING

- 5-1 The Commission recommends to the President, Congress, and the Department of Justice (DOJ) that the federal government should prohibit, without allowing new exemptions or the expansion of existing federal exemptions to other jurisdictions, Internet gambling not already authorized within the United States or among parties in the United States and any foreign jurisdiction. Further, the Commission recommends that the President and Congress direct the DOJ to develop enforcement strategies that include, but are not limited to, Internet service providers, credit card providers, money transfer agencies, makers of wireless communications systems, and others who intentionally or unintentionally facilitate Internet gambling transactions. Because it crosses state lines, it is difficult for states to adequately monitor and regulate such gambling.
- 5-2 The Commission recommends to the President, Congress, and state governments the passage of legislation prohibiting wire transfers to known Internet gambling sites or the banks who represent them. Furthermore, the Commission recommends the passage of legislation stating that any credit card debts incurred while gambling on the Internet are unrecoverable.
- 5-3 The Commission recognizes that current technology is available that makes it possible for gambling to take place in the home or

the office without the participant physically going to a place to gamble. Because of the lack of sound research on the effects of these forms of gambling on the population and the difficulty of policing and regulating to prevent such things as participation by minors, the Commission recommends that states not permit the expansion of gambling into homes through technology and the expansion of account wagering.

- 5-4 The Commission recommends to the President and Congress that because Internet gambling is expanding most rapidly through offshore operators, the federal government should take steps to encourage or enable foreign governments not to harbor Internet gambling organizations that prey on U.S. citizens.

CHAPTER 6. NATIVE AMERICAN TRIBAL GAMBLING

- 6-1 The Commission acknowledges the central role of the NIGC as the lead federal regulator of tribal governmental gambling. The Commission encourages Congress to assure adequate NIGC funding for proper regulatory oversight to ensure integrity and fiscal accountability. The Commission supports the NIGC's new Minimum Internal Control Standards, developed with the help of the National Tribal Gaming Commissioners and Regulators, as an important step to assure such fiscal accountability. The Commission recommends that all tribal gaming commissions work to ensure that the tribal gambling operations they regulate meet or exceed these minimum standards and the NIGC focus special attention on tribal gambling operations struggling to comply with these and other regulatory requirements.
- 6-2 The Commission recommends that IGRA's classes of gambling must be clearly defined so that there is no confusion as to what forms of gambling constitute Class II and Class III gambling activities. Further, the Commission recommends that Class III gambling activities should not include any activities that are not available to other citizens, entities, or organizations in a state, regardless of technological similarities. Indian gambling should not be inconsistent with the state's overall gambling policy.
- 6-3 The Commission recommends that labor organizations, tribal governments, and states should voluntarily work together to ensure the enforceable right of free association—including the right to organize and bargain collectively—for employees of tribal casinos.

Further, the Commission recommends that Congress should enact legislation establishing such worker rights only if there is not substantial voluntary progress toward this goal over a reasonable period of time.

- 6-4 The Commission recommends that tribal governments, states and, where appropriate, labor organizations should work voluntarily together to extend to employees of tribal casinos the same or equivalent (or superior) protections that are applicable to comparable state or private-sector employees through federal and state employment laws. If state employee protections are adopted as the standard for a particular tribal casino, then they should be those of the state in which that tribal casino is located. Further, the Commission recommends that Congress should enact legislation providing such protections only if there is not substantial voluntary progress toward this goal over a reasonable period of time.
- 6-5 The Commission recognizes that under IGRA, Indian tribes must annually report certain proprietary and nonproprietary tribal governmental gambling financial information to the NIGC through certified, independently audited financial statements. The Commission recommends that certain aggregated financial Indian gambling data from reporting tribal governments, comparable by class, to the aggregated financial data mandatorily collected from commercial casinos and published by such states as Nevada and New Jersey should be published by the NIGC annually. Further, the Commission recommends that the independent auditors should also review and comment on each tribal gambling operation's compliance with the Minimum Internal Control Standards promulgated by the NIGC.
- 6-6 The Commission recommends that upon written request, a reporting Indian tribe should make immediately available to any enrolled tribal member the annual certified independently audited financial statements and compliance review of the MICS submitted to the National Indian Gaming Commission. A tribal member should be able to inspect such financial statements and compliance reviews at the tribal headquarters or request that they be mailed.
- 6-7 The Commission recommends that tribal and state sovereignty should be recognized, protected, and preserved.
- 6-8 The Commission recommends that all relevant governmental gambling regulatory agencies should take the rapid growth of com-

mercial gambling, state lotteries, charitable gambling, and Indian gambling into account as they formulate policies, laws, and regulations pertaining to legalized gambling in their jurisdictions. Further, the Commission recommends that all relevant governmental gambling regulatory agencies should recognize the long overdue economic development Indian gambling can generate.

- 6-9 The Commission has heard substantial testimony from tribal and state officials that uncompacted tribal gambling has resulted in substantial litigation. Federal enforcement has, until lately, been mixed. The Commission recommends that the federal government fully and consistently enforce all provisions of the Indian Gaming Regulatory Act.
- 6-10 The Commission recommends that tribes, states, and local governments should continue to work together to resolve issues of mutual concern rather than relying on federal law to solve problems for them.
- 6-11 The Commission recommends that gambling tribes, states, and local governments should recognize the mutual benefits that may flow to communities from Indian gambling. Further, the Commission recommends that tribes should enter into reciprocal agreements with state and local governments to mitigate the negative effects of the activities that may occur in other communities and to balance the rights of tribal, state, and local governments; tribal members; and other citizens.
- 6-12 IGRA allows tribes and states to negotiate any issues related to gambling. Nothing precludes voluntary agreements to deal with issues unrelated to gambling either within or without compacts. Many tribes and states have agreements for any number of issues (e.g., taxes, zoning, environmental issues, natural resources management, hunting and fishing). The Commission recommends that the federal government should leave these issues to the states and tribes for resolution.
- 6-13 The Commission recommends that Congress should specify a constitutionally sound means of resolving disputes between states and tribes regarding Class III gambling. Further, the Commission recommends that all parties to Class III negotiations should be subject to an independent, impartial decisionmaker who is empowered to approve compacts in the event a state