

108TH CONGRESS
1ST SESSION

H. R. 2675

To amend the Internal Revenue Code of 1986 to treat Indian tribes the same as State governments for purposes of chapter 35 of such Code.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2003

Mr. CRANE introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to treat Indian tribes the same as State governments for purposes of chapter 35 of such Code.

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 “Tribal Government
5 Tax Fairness Act of 2003”.

6 **SEC. 2. DECLARATIONS AND AFFIRMATIONS.**

7 The Congress declares and affirms that:

8 (1) The United States Constitution, U.S. Fed-
9 eral Court decisions, and U.S. Statutes recognize

1 that Indian tribes are governments, retaining sov-
2 ereign authority over their lands.

3 (2) Through treaties, statutes, and executive or-
4 ders, the United States set aside Indian reservations
5 to be used as “permanent homes” for Indian Tribes.

6 (3) As governments, Indian Tribes have the re-
7 sponsibility and authority to provide governmental
8 services, develop Tribal economies, and build com-
9 munity infrastructure to ensure that Indian reserva-
10 tion lands serve as livable “permanent homes”.

11 (4) Congress is vested with the authority to
12 regulate commerce with Indian Tribes, and hereby
13 exercises that authority and affirms the United
14 States government-to-government relationship with
15 Indian Tribes.

16 (5) In enacting the Indian Gaming Regulatory
17 Act (Public Law 100–497), Congress intended to
18 treat Indian Tribes as State governments for pur-
19 poses of chapter 35 of the Internal Revenue Code of
20 1986.

21 **SEC. 3. TREATMENT OF INDIAN TRIBES AS GOVERNMENTS.**

22 (a) IN GENERAL.—Subsection (a) of section 7871 of
23 the Internal Revenue Code of 1986 (relating to Indian
24 tribal governments treated as States for certain purposes)
25 is amended by striking “and” at the end of paragraph (6),

1 by striking the period at the end of paragraph (7) and
2 inserting “; and”, and by adding at the end the following
3 new paragraph:

4 “(8) chapter 35 (relating to taxes on wager-
5 ing).”

6 (b) **EFFECTIVE DATE.**—The amendments made by
7 subsection (a) shall apply to wagers received after the date
8 of the enactment of this Act.

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