

NIGC Chairwoman reflects on Agency's regulatory history

Twenty-five years ago this October, Congress passed the Indian Gaming and Regulatory Act (IGRA), which established the jurisdictional framework that governs Indian gaming. In the 25 years since Congress enacted the landmark legislation, Indian gaming has been an effective economic development tool in Indian country.

Its success, of course, has depended not only on wise tribal management, but also on a three-tiered regulatory system comprised of tribal, state and Federal regulators; creating one of the most comprehensively regulated gaming industry in the country.

In 1988 when Congress adopted IGRA, there was no regulatory framework by which the NIGC could carry out its responsibilities. At first, the NIGC relied heavily on the U.S. Department of the Interior and its sub-agency, the Bureau of Indian Affairs, as well as other Federal agencies, to carry out its regulatory duties. In its early years, the NIGC focused on developing regulations by which it would carry out its duties under IGRA. Due to its initial focus on creating a regulatory infrastructure, it took several years for the NIGC to develop its own audit and investigatory capabilities. But by the mid-1990s, NIGC was off and running, establishing field offices to better serve tribal regulators, conducting audits and investigations, and continuing to develop regulations and policies to protect Indian gaming.

Throughout the 1990s, the NIGC worked closely with tribal regulators, the frontline, day-to-day regulators of tribal gaming, to develop and amend new regulations and policies aimed at maintaining the security and integrity of the industry. The Commission also continued to develop relationships with other Federal agencies and the states to complete the comprehensive regulatory framework set out in IGRA.

In more recent years, the NIGC has increased field personnel to assist tribes, which now includes staff at seven field offices and three satellite offices; established a training office, which has developed a comprehensive training curriculum and course offerings spanning all areas of regulation; improved response time on ordinances and contract approvals; and developed internal processes aimed at streamlining and improving the efficiency of the Commission.

In 2006, through the Native American Technical Corrections Act, the NIGC became subject to the Government Performance and Results Act of 1993, which requires the Commission to publish an agency strategic plan covering up to six years. The Commission published its first strategic plan in 2008, covering fiscal years 2009 to 2014.

More recently, the NIGC drafted a new strategic plan, covering fiscal years 2014 to 2018. After consulting with tribes in late 2012 and considering their comments and questions, the Commission finalized its plan and submitted it for approval to the Office of Management and Budget. The new plan will be published later this year.

Also, in accordance with Executive Order 13175 of 2000, the Commission affirmed its commitment to productive government-to-government communication by consulting regularly with tribes with regard to many issues, including regulatory changes.

Continuing this tradition of candid, cooperative government-to-government consultation, the Commission in 2010 announced a Notice of Inquiry asking for tribal comments and input on the Agency's plan to develop a new consultation policy and complete a comprehensive regulatory review. After considering comments and conducting over 50 consultations in just over two years on a variety of issues, the Commission revised its draft consultation policy in late 2012, which will be finalized sometime in 2013.

Over that same period, the Commission has been engaged in a comprehensive regulatory review with tribes, tribal regulators and the public to ensure 21st century regulations for a 21st century industry. To date, the regulatory review has yielded 11 notices of proposed rule, two notices of no action and two final rules. The NIGC's regulatory role is key to ensuring the effectiveness of the three-tiered regulatory structure, and the new regulations provide further strength and integrity to the system.

Today, the Commission is reaffirming its regulatory responsibilities under IGRA through the moniker A.C.E.—Assistance, to achieve compliance with IGRA and NIGC regulations; Compliance through technical assistance and training to tribes to enhance compliance and reduce potential violations; and taking Enforcement actions when necessary to protect the integrity of Indian gaming operations and to ensure tribes are the primary beneficiaries of their operations.

Since 2011, NIGC has provided over 1,400 training hours, covering a variety of topics such as audits, gaming machine regulations and surveillance. Through NIGC's focus on A.C.E., the agency has reached nearly 4,000 tribal gaming personnel and regulators from over 200 tribes. Evaluation of NIGC's training opportunities will be an ongoing and evolving process, so that course offerings may better align with the needs of the industry.

Regulating Indian gaming is a three-tiered partnership for the protection of gaming as a means of generating revenue for the tribes. It is in the industry's interest to have a well-regulated industry, because that is the best way to sustain tribal gaming as a long-term economic development tool for Indian communities.

Thus, the Commission remains poised to fulfill its mandates under IGRA as the Federal arm of the three-tiered regulatory framework ensuring the integrity of Indian gaming and that tribes remain the primary beneficiaries of their gaming revenue.

Tracie Stevens is the Chairwoman of the National Indian Gaming Commission. She was nominated by President Obama on April 28, 2010. Stevens is an enrolled member of the Tulalip Tribes of Washington State.