COVID-19 Frequently Asked Questions

Updated January 25, 2022
* Please note that updated portions of this FAQ are in Purple.

The NIGC Division of Compliance, in consultation with the NIGC Safety and Occupational Health Manager and the Office of General Counsel, maintains this frequently asked questions list. As we enter the new year of 2022, the pandemic continues to affect our industry and communities in a variety of ways. The NIGC wishes to reaffirm its commitment to collaboration and wants to reemphasize the tools and guidance that have been previously offered throughout the pandemic.

The NIGC continues to work collaboratively with Tribes and health experts at the Centers for Disease Control and the Indian Health Services to provide updates and new information to Tribes in a timely manner. As a reminder, the NIGC has published a variety of documents including Facility Closure and Reopening checklists, a model Infectious Disease Response Plan, lists of frequently asked questions, and various memorandums including a Tribal Cybersecurity Readiness document. All of these resources and more are located on our website at: https://www.nigc.gov/commission

As a reminder, previous mitigation measures such as mask wearing, social distancing, hand washing with soap and water, and vaccination are the most effective measures to limit the spread of COVID-19. As indicated below, some of the CDC recommendations on vaccinations, quarantining and isolating have changed. The most recent updates on vaccinations and booster shots are available here:

https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fvaccines%2Ffully-vaccinated-guidance.html.

Due to new data associated with the recent increase of COVID-19 and the Omicron variant, the CDC has updated its recommendations regarding isolating and quarantining for individuals who may have been exposed to or infected with the virus. The CDC offers the guidance listed below:

What is the difference between Isolation and Quarantine?

Isolation: Separates sick people with a contagious disease from people who are not sick. Regardless of your vaccination status isolate when you have been infected with the virus or other symptoms of COVID-19. When isolating:

- Stay home for 5 days from the onset of symptoms. If you have no symptoms or your symptoms are resolving after 5 days, you can leave your house.
- Continue to wear a mask around others for 5 additional days.
- If you have a fever, continue to stay home until your fever resolves.
- If an individual has access to a test and wants to test, the best approach is to use an antigen test towards the end of the 5-day isolation period. Collect the test sample only if you are fever-free for 24 hours without the use of fever-reducing medication and your other symptoms have improved (loss of taste and smell may persist for weeks or months after recovery and need not delay the end of isolation). If your test result is positive, you should continue to isolate until day 10. If your test

result is negative, you can end isolation, but continue to wear a <u>well-fitting mask</u> around others at home and in public until day 10.[1]

Monitor your symptoms. If you have emergency warning signs including trouble breathing seek emergency medical care immediately. Stay in a separate room from other household members, if possible. Use a separate bathroom, if possible. Avoid contact with other members of the household and pets. Don't share personal household items like cups, towels and utensils. Wear a mask around other people, if able.

Quarantine: Separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick. These people may have been exposed to a disease and do not know it, or they may have the disease but do not show symptoms. If you were exposed to someone with COVID-19 and have been boosted OR completed the primary series of Pfizer or Moderna vaccine within the last 6 months OR completed the primary series of J&J vaccine within the last 2 months do the following after the exposure:

- Wear a mask around others for 10 days after exposure.
- Take a test on day 5, if possible.
- If you develop symptoms get a test and stay home.

If you develop symptoms and: Have completed the primary series of Pfizer or Moderna vaccine over 6 months ago and are not boosted OR completed the primary series of J&J over 2 months ago and are not boosted OR are unvaccinated do the following from the onset of symptoms:

- Stay home for 5 days from start of symptoms. After that continue to wear a mask around others for 5 additional days.
- If you can't quarantine you must wear a mask for 10 days.
- Test on day 5, if possible.
- If you develop symptoms take a test and stay home

For additional assistance in determining whether you should isolate or quarantine the CDC offers the following short video: https://youtu.be/l3s75_X8Xjs .

For assistance in calculating the period you should quarantine or isolate the Oklahoma Department of Public Health offers a calculator found here: https://oklahoma.gov/covid19/what-you-should-know/isolation-and-quarantine-guidance.html .

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**Additional Guidance on the Use of Face Masks
Originally issued September 16, 2020**

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To reduce the spread of COVID-19, the CDC recommends that people wear masks in public settings when around people outside of their household, especially when other social distancing measures are difficult to maintain.

The use of masks to control the spread of COVID-19:
Anyone visiting or working in a tribal gaming operation is encouraged to wear a mask.
Gaming operations should:

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[1] https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html

- Recommend and reinforce the use of masks among staff and customers.
- Frequently remind individuals not to touch the mask and to wash their hands frequently.
- Provide information to staff and customers on proper use, removal, and washing of masks. The CDC guidance on how to select, wear, and clean your mask can be found here: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wash-cloth-face-coverings.html

Evidence for Effectiveness of Masks

On January 14, 2022, the CDC issued new updated guidance on the Types of Masks and Respirators (also called N-95 and KN-95) to use. Masks are made to contain droplets and particles you breathe, cough, or sneeze out. If they fit closely to the face, they can also provide you some protection from particles spread by others, including the virus that causes COVID-19.

Respirators are made to protect you by filtering the air and fitting closely on the face to filter out particles, including the virus that causes COVID-19. They can also contain droplets and particles you breathe, cough, or sneeze out so you do not spread them to others.

- Masking is a critical public health tool for preventing spread of COVID-19, and it is important to remember that any mask is better than no mask.
- To protect yourself and others from COVID-19, CDC continues to recommend that you wear the most protective mask you can that fits well and that you will wear consistently.
- Masks and respirators are effective at reducing transmission of SARS-CoV-2, the virus that causes COVID-19, when worn consistently and correctly.
- Some masks and respirators offer higher levels of protection than others, and some may be harder to tolerate or wear consistently than others. It is most important to wear a well-fitted mask or respirator correctly that is comfortable for you and that provides good protection.
- While all masks and respirators provide some level of protection, properly fitted respirators provide the highest level of protection. Wearing a highly protective mask or respirator may be most important for certain higher risk situations, or by some people at increased risk for severe disease.
- CDC's mask recommendations provide information that people can use to improve how well their masks protect them.
- Please see the CDC's website link for recommendations about choosing a mask or respirator for different situations: Types of Masks and Respirators | CDC

On November 10, 2020, the CDC issued new guidance on the use of cloth masks to control the spread of SARS-CoV-2. Previous guidance indicated that cloth masks were primarily effective as a source control mechanism. However, new data examined by the CDC has found that cloth masks can reduce the wearers' exposure to infectious droplets through filtration, including filtrations of fine droplets and particles less than 10 microns. The CDC guidance indicates that the effectiveness of the masks varied by design and composition of materials. It found that:

> "Multiple layers of cloth with higher thread counts have demonstrated superior performance compared to single layers of cloth with lower thread counts, in some cases filtering nearly 50% of fine particles less than 1 micron. Some materials (e.g., polypropylene) may enhance filtering effectiveness by generating triboelectric charge (a form of static electricity) that enhances capture of charged particles while others (e.g., silk) may help repel moist droplets and reduce fabric wetting and thus maintain breathability and comfort. " The CDC also indicates that

> *"Adopting universal masking policies can help avert future lockdowns, especially if combined with other non-pharmaceutical interventions such as social distancing, hand hygiene, and adequate ventilation."*

Previous guidance from the CDC recommending the use of masks as a source control measure to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the mask coughs, sneezes, talks, or raises their voice is still an important mitigation measure and remains unchanged. Keep in mind that these recommendations are based on what is currently known about the role respiratory droplets play in the spread of the virus that causes COVID-19, and are paired with emerging evidence from clinical and laboratory studies that show masks reduce the spray of droplets when worn over the nose and mouth. COVID-19 spreads mainly among people who are in close contact with one another (within about 6 feet), so the use of masks is particularly important in settings where people are close to each other or where social distancing is difficult to maintain.

Why it is important to wear a mask

Masks may help prevent people who have COVID-19 from spreading the virus to others. Wearing a mask will help protect people around you, including those at higher risk of severe illness from COVID-19 and workers who frequently come into close contact with other people. Masks are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings. The spread of COVID-19 can be reduced when masks are used along with other preventive measures, including social distancing, frequent handwashing, and cleaning and sanitizing frequently touched surfaces. The term "mask," as used in this document, does not mean surgical masks or respirators. Currently, those critical supplies should be reserved for healthcare workers and other first responders. Masks are not personal protective equipment (PPE). They are not appropriate substitutes for PPE such as respirators (like N95 respirators) or medical facemasks (like surgical masks) in workplaces where respirators or facemasks are recommended or required to protect the wearer. (https://www.osha.gov/SLTC/covid-19/covid-19-faq.html)

Masks with Exhalation Valves or Vents, Face Shields and Surgical Masks

According to the CDC, the following information is available: Masks with Exhalation Valves or Vents. The purpose of a mask is to keep respiratory droplets from reaching others and to aid with source control. However, masks with one-way valves or vents allow air to be exhaled through a hole in the material, which can result in expelled respiratory droplets that can reach others. This type of mask does not prevent the person wearing the mask from transmitting COVID-19 to others. Therefore, CDC does not recommend using masks for source control if they have an exhalation valve or vent. Face Shields. A face shield is primarily used for eye protection for the person wearing it. At this time, it is not known what level of protection a face shield provides to people nearby from the spray of respiratory droplets from the wearer. There is currently not enough evidence to support the effectiveness of face shields for source control. Therefore, CDC does not currently recommend use of face shields as a substitute for masks. Surgical Masks. The term mask as used in this document does not mean surgical masks or respirators. Currently, those are critical supplies that should continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance. Masks also are not appropriate substitutes for surgical masks or respirators in workplaces where surgical masks or respirators are recommended or required and available.

Key Points

- CDC recommends that people wear masks in public settings and when around people that don't live in your household, especially when other social distancing measures are difficult to maintain.
- Masks may help prevent people who have COVID-19 from spreading the virus to others.
- Masks are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings.
- Masks should NOT be worn by children under the age of 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.
- Masks with exhalation valves or vents should NOT be worn to help prevent the person wearing the mask from spreading COVID-19 to others (source control).

For more information about masks provided by the CDC please visit:
https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html

For more information on tribal resources offered by the CDC, please visit:
https://www.cdc.gov/coronavirus/2019-ncov/community/tribal/index.html

Additionally, the CDC continues to update guidance regarding when to quarantine and recently published guidance providing options to reduce quarantine. For more information on quarantine please visit https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html

FAQ Updates for December 15, 2020

As rates of infection continue to rise across the country, the NIGC encourages all TGRAs to remain in close communication with their NIGC Region Office and to work with local, state, and federal health officials to evaluate localized risks and remain up to date on current trends, data, and any new guidance that may be issued. As the cases of COVID-19 continue to rise, it is important the TGRAs and gaming operations remain vigilant about maintaining their regulatory and operational capabilities and staffing requirements.

Recently, the CDC has updated its guidance on the definition of a close contact. This may result in the isolation of more employees as operations conduct more internal contact tracing. The new guidance defines a close contact as:

> *"Someone who was within 6 feet of an infected person for a cumulative total of 15 minutes or more over a 24-hour period* starting from 2 days before illness onset (or, for asymptomatic patients, 2 days prior to test specimen collection) until the time the patient is isolated."*

The largest change is with the addition of the word cumulative, meaning that the contact could happen over a 24-hour period instead of a straight 15-minute time period. The NIGC encourages Tribal Gaming Operations and TGRAs to keep their infectious disease response policies consistent with updated guidance from the health authorities such as the CDC and IHS. Both federal agencies have indicated their willingness to assist Tribes with policies and evaluations upon request.

The NIGC also wishes to remind TGRAs and gaming operations to pay particular attention to the FAQ questions below that deal with staffing related issues on both the regulatory and operations side of a gaming operation, facility closure guidance, as well as reopening guidance. To view "Dear Tribal Leader" letters and other information pertaining to COVID-19, please visit our website at: www.nigc.gov.

General

1. **Question:** How many tribally licensed gaming facilities have temporarily closed in response to COVID-19?

   Answer: In 2020, 526 tribal gaming facilities suspended operations. Every closure decision was based on local-level tribal assessments. The NIGC continues to support local government coordination and promotes the resources and guidance available at www.CDC.gov. Since the last update in August 2021, tribal operations have reopened and reclosed, again, based entirely on local-level tribal assessments.

Remaining Open

2. **Question**: What are the staffing concerns for TGRAs and gaming operations should they choose to remain open?

   Answer: The TGRA should continually assess critical positions such as surveillance, security, gaming inspectors, and compliance officers to ensure regulatory duties are being upheld. Should the casino remain operational, both the casino and TGRA must ensure enough staffing to remain compliant with NIGC MICS, TICS, SICS, Compacts and other applicable regulatory requirements. A review of critical positions should be made to determine adequate coverage of the gaming operation. Consideration should be made for positions in surveillance, security, cage, count and drop, and various management positions needed for signature and approval authority to ensure internal control.

3. **Question**: What is the NIGC's recommendation for when the COVID-19 virus creates staffing issues for the TGRA and reduces its ability to fulfill the TGRA'S regulatory responsibilities under IGRA and the Tribe's Gaming Regulatory Act?

   Answer: If a TGRA believes that it cannot fulfill its regulatory responsibilities or attest to its ability to ensure the public health and safety of employees and patrons or if application of tribal laws warrants, the TGRA must consider suspending gaming operations.

Pre-Closing

4. Question: What are the notification requirements for closing a facility?

   Answer: The NIGC encourages tribes to self-report temporary closures to the NIGC as soon as possible. Under 25 C.F.R. Part 559, notice of a closure should be submitted to NIGC within 30 days of closing if the tribe anticipates being closed for more than 180 days. However, the NIGC is asking that TGRAs report closures within 72 hours for tracking purposes along with the date the tribe anticipates reopening. NIGC asks that the TGRA keep in contact with NIGC through their Region Office and inform them of any changes with the plan to reopen.

5. **Question**: What does the NIGC do if it learns that there are plans to close a tribally licensed gaming facility?

   Answer: As tribal law makers, tribal gaming regulatory bodies, and/or gaming operators decide to temporarily close a licensed facility based on their local on-the-ground assessments, the

NIGC Region Offices will continue to have a presence. As referenced in the March 16, 2020 Dear Tribal Leader letter, NIGC Region Directors received a two-step protocol from the NIGC Chief Compliance Officer. The protocol will help the NIGC maintain an appropriate presence and facilitate support for a tribal community based on local circumstances.

6. **Question**: What should a TGRA consider when securing and adequately protecting casino assets if it becomes necessary to evacuate a casino with little forewarning and very little time to secure casino assets, such as monetary instruments and gaming instruments?

   Answer: The TGRA, in coordination with casino management, should prepare for situations that would require expedited evacuation of the gaming facility. Plans should include transferring monetary instruments to the vault for security reasons. The Minimum Internal Control Standards found in NIGC regulations 25 C.F.R. Section 543.18(c)(4) require the count of the cage and vault inventories by at least two employees with signatures attesting to the counts. Should the gaming operation close, this standard would be effective at the time of closure.

   Upon reopening, the cage and vault inventories would then be recounted and verified against the previous closing balances, with special emphasis and investigations placed on any variances between the two counts. The tribe and casino should consider transferring the cage and vault cash inventories to their financial institution as that would be considered the most secure option.

   Example: The evacuation of guests from the casino floor, hotel or other facilities.

   Answer: The TGRA in coordination with gaming operations have an approved employee list and should plan for a calm and orderly evacuation ensuring all workspaces, hotel rooms, restrooms are secured so that only approved personnel remain.

7. **Question:** What guidelines can the NIGC provide in the case of mandatory partial evacuations within the casino, but not a facility-wide closure, such as the following:

   Example: The evacuation and sterilization of the casino surveillance room.

   Answer: Surveillance functions are critical to regulation and monitoring of assets. If the TGRA or gaming operation cannot properly regulate and monitor assets, the TGRA and/or gaming operation should consider what steps would best remedy the threat to assets, up to and including closure.

   Example: The evacuation and sterilization of the casino cash cage, soft count, slot tech department, or other mission critical departments.

   Answer: The TGRA in coordination with the gaming operation should evaluate the adequacy of regulating, monitoring, or securing assets. Should there be threats that compromise the proper security and monitoring of assets, the TGRA should consider if it is appropriate to issue a temporary closure order

   Additional guidance on how to clean and disinfect an area can be found under Cleaning & Sanitizing at: https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/casinos-gaming-operations.html

8. **Question:** Can gaming operations refuse service or entry to patrons?

    Answer: The TGRA should consult with its legal counsel to identify specific ordinances, codes, regulations and other authoritative documents (such as a tribe's declarations of emergency, executive orders or resolutions) that explain any limits on the tribe's authority to determine who enters and remains on its Indian lands.

9. **Question**: What are some important considerations when clearing the casino floor?

    Answer: The TGRA should coordinate with the gaming operation's management when removing all patrons and unauthorized employees from the facility. Developing a matrix or authorized access listing to the facility during the closure is recommended. Coordinate with IT for possible disabling of non-essential's logical access during closure. Procedures should be in place for monitoring VPN/remote access for vendors and authorized employees. Consider disabling all machines from play during the closure. Prior to disabling, a snap shot of all meters and in-house progressives should be obtained and provided to TGRA and accounting. Consider performing emergency drop procedures and ensure all funds are properly secure (e.g. vault). All monetary instruments should be properly secured and may be best secured by transferring to the vault. The tribe and casino may consider transferring the cage and vault cash inventories to their financial institution as that would be considered the most secure option. Casino management may want to consult with vendors with whom they have lease participation agreements. Consider that potential issues regarding adjustments to participation fees may arise. Casino operations should consider doing periodic walkthroughs of all casino floor areas including restrooms to ensure no unauthorized persons are left behind.

During Closure

10. **Question:** What Information Technology (IT) concerns should a TGRA consider during a temporary closure?

    Answer: The TGRA in coordination with the gaming operation should ensure that NIGC MICS along with TICS and SICS are followed as a tribe closes its gaming operation. This would include but not be limited to, having back-ups in place with frequent saving of information and testing to ensure back-up systems are functioning properly. In terms of logical access, TGRAs should follow TICS and SICS surrounding access levels and who is required to have access. This requires TGRAs to review access lists and logs that will assist in terminating any non-essential access. VPN access should also follow MICS, TICS and SICS guidelines, however reviewing those licenses that will require essential access should occur. If there is a need for temporary VPN access, when operations are restored remove all temporary access. Avoid using any "bring your own device" (BYOD) if possible, however if BYOD cannot be avoided have those devices vetted to diminish any risks for the operations. Lastly, consideration may be appropriate for adding an additional IT Administrative access-user to the IT remote user access group for redundancy. The TGRA should consider requesting and reviewing user-access logs, network security logs and remote vendor access. User-Access logs indicate who is logging in and out of the organizational network and domain. Network security logs help identify penetration attempts including any unauthorized access into the network. It is recommended that remote vendor access should be logically locked out and deactivated while gaming systems and machines are not in use. Most of these activity records can be found in any work order/job order as a record of which vendors may have retained network access. TGRAs should consider reviewing and monitoring accounting systems and back of the house system access logs and

reports for changes in financial data or player account activity (e.g. manual point adjustments) while the casino was closed.

11. **Question**: What are some important surveillance considerations during a closure?

    Answer: The TGRA and gaming operation management should ensure cameras are positioned to monitor and record all sensitive areas including cash, cash equivalents, gaming supplies, exits and entrances. Also, the TGRA and gaming operation management should ensure surveillance systems' recordings are being backed-up and tested to be certain systems are working properly. Surveillance functions are critical to regulating and monitoring of assets. If the TGRA or gaming operation believes that it cannot properly regulate gaming operations and monitor assets, the TGRA and/or gaming operation should consider how best to remedy the threat by taking additional steps during the closure.

12. **Question**: What level of tribal gaming commission and casino oversight is required by the NIGC for suspended casino operations? At what point does the Gaming Commission fall below required regulatory minimums, and what is the NIGC's guidance when circumstances related to the COVID-19 pandemic cause the TGRA personnel and resources to drop below minimums?

    Answer: NIGC MICS do not require specific staffing levels while gaming operations are suspended. However, the TGRA and casino management should review TICS and SICS and make appropriate adjustments while gaming operations are suspended. It is recommended that surveillance and security oversight be maintained to monitor assets. TGRAs should evaluate any ongoing investigations, compliance reviews, audits, patron disputes, etc. and determine what matters and tasks can continue to be pursued and performed during the closure. If a TGRA believes that it cannot attest that the facility can be reopened and operated in a manner that protects the public health and safety of employees and patrons, or if application of tribal laws warrants, the TGRA must consider how to best take mitigation steps that will remedy the threat to public health and safety up to and including continued closure.

13. **Question**: What are NIGC's suggested guidelines when the TGRA office becomes inaccessible for an extended period of time due to COVID-19 contamination, or when a state of emergency is declared and travel restrictions are imposed in the region where the office is located, preventing access to stored CJIS information and licensing department equipment (scanners, fingerprint equipment, etc.)?

    Answer: Security for background investigation files and FBI CHRI should be maintained in accordance with the CJIS Security Policy and the TGRAs internal policies. See question #16.c for additional information regarding licensing and submissions.

14. **Question**: Can the TGRA waive receipt of required periodic gaming and financial audit reports where gaming operations have been suspended?

    Answer: Yes. The TGRA and Casino should assess their TICS and SICS to determine what reporting requirements remain in effect during a temporary closure. NIGC encourages the TGRA to identify what reports are necessary during closure and suspend those that would only be required while open. In particular, it is likely appropriate to maintain reports related to surveillance equipment malfunction and security incident reports per tribal regulatory requirements even during a temporary closure. * Note: The TGRA waiver does not apply to NIGC required submissions. See question 16 for addition details on NIGC required submissions.

15. **Question**: Can tribes use casino equipment, staff or property to meet or fulfill emergency needs during closure?

   Answer: Yes. Tribes, like other governments, can declare an emergency and direct that casino equipment, staff or property be used for emergency purposes to meet or fulfill its needs during the COVID-19 Pandemic crisis. The NIGC recommends that such an order clearly state that the tribe is repurposing the gaming facility and specify the stated emergency purpose(s). Prior to reopening the gaming facility, the TGRA must ensure the facility meets all EPHS standards for a gaming facility. See https://www.cdc.gov/coronavirus/2019-ncov/community/reopenguidance.html for additional information on this topic. (July 15, 2020)

NIGC Submissions and Deadlines

16. **Question**: Will the NIGC adjust deadlines or grant any extensions for required submissions such as fees, contracts, licensing, Audited Financial Statements and Agreed Upon Procedure reports?

   Answer: IGRA and NIGC regulations do not provide for extension to the statutory and regulatory deadlines. In instances where the tribe has provided written notice to the NIGC through their NIGC Region Office that its licensed gaming facility has closed, the NIGC Division of Compliance will remain in close communication with the TGRA if it is necessary to make recommendations for enforcement to the Chairman. This communication will help the Division of Compliance provide context in any recommendation in light of the Chairman's March 20, 2020 memorandum. That memorandum modifies the Compliance Division's enforcement focus. The Chairman has conveyed to the NIGC Division of Compliance that the Commission is considering its options for implementing easing measures for Indian gaming operations during this national mitigation effort. Please remain in close communication with the NIGC with regard to the below requirements in order to assist with the Commission's assessment of any future measures.

   a. Fees and Worksheets

   i. As required by 25 C.F.R. § 514, Fees and Worksheets are due three (3) months, six (6) months, nine (9) months, and twelve (12) months of the end of the gaming operation's fiscal year. For example, if the operation's fiscal year end is December 31, 2019, fees will be due on or before March 31, 2020, June 30, 2020, September 30, 2020 and December 31, 2020.

   ii. According to 25 C.F.R. § 514.10, fees that are not submitted when due are considered late until they are 90 days past due, after which the NIGC considers the fees as not submitted, rather than late.

   iii. The Compliance Division will not recommend late fee assessments for payments made within 90 days of the regulatory deadline.

   iv. NIGC encourages tribes to submit payments using the on-line process at pay.gov. Learn more about pay.gov and other fee related information at https://www.nigc.gov/finance/Annual-fees. You can submit additional inquiries to: fee_questions@nigc.gov

    v.   If the NIGC has not received a quarterly fee payment when due, the Compliance Division will contact the tribe/TGRA/operation(s) to confirm payment status and to ensure the tribe's anticipated payment date (July 15, 2020).

b. Fingerprint Fee Statements

    i.   As required by 25 C.F.R. § 514, the current fingerprint card bill rate is $35.00, billed monthly and due within forty-five (45) days of the date of the bill.

    ii.   ii. Payment made after reopening or staff returning to work but no later than 30 days from the date of the missed fingerprint fee statement due date will not be scrutinized. You can submit additional inquiries to: fingerprint_billing@nigc.gov

c. Licensing Submissions:

    i.   Currently there are three required key employee and primary management official licensing requirements under 25 C.F.R. Parts 556 and 558. Under 25 C.F.R. Part 556.6 a Notice of Results (NOR) is due to the NIGC region office within sixty (60) days after an applicant begins work. Additionally, as required by 25 C.F.R. Part 558.3, a notice of license issuance is due to the NIGC region office within thirty (30) days of the tribe's issuance of a permanent license. Also, under 25 C.F.R. Part 558.3, if a tribe does not license the applicant, the tribe shall submit a notice of no license issued, its eligibility determination and NOR to the NIGC. There is no a deadline for this submission.

    ii.   TGRA's are encouraged to submit any outstanding NORs to the NIGC within 60 days of reopening or the applicant returning to work. At this time, the Notice of license can still be issued within 30 days of issuance on all NORs that were submitted late due to TGRA office closure. If Notice of License submissions were not completed for employees who were issued a permanent license before closure, those submissions must be made within 30 days of reopening. We request that Not Licensed by Tribe submissions are made within 30 days of reopening, however there is not a specific deadline for this particular submission. NIGC Compliance Officers' scrutiny of submission dates will account for any extended closure period.

    iii.   Licensing submissions can be safely submitted electronically through our encrypted email/drop box option using KiteWorks. Please contact your NIGC Regional Office for additional information about accessing and using KiteWorks for these and other confidential submissions.

d. Facility Licenses:

    i.   As required by 25 C.F.R. Part 559, a tribe must notify the Chair that it is considering issuing a facility license at least 120 days before opening any new gaming facility. Newly issued or renewed facility licenses must be submitted to the NIGC within 30 days of issuance. Finally, if a facility license is terminated, expires, or if the gaming facility closes for more than 180 days or reopens after such closure, notification must be made to the NIGC within thirty (30) days of the event.

    ii. The NIGC will maintain the ability to accept electronic submission of all notices required under this requirement through facility_license_ephs@nigc.gov. The Compliance Division will actively assist TGRA's on ensuring timely notices are made where possible and take into consideration where facility and tribal government closures otherwise prevented timely submissions. Should any actions taken by the TGRA or tribal government trigger the submission of any of the above notices, please notify your Region Office for further guidance.

    iii. If a facility license is scheduled to expire during the temporary closure period, NIGC recommends that the TGRA consider renewing the facility license. NIGC also recommends that the TGRA issue the EPHS attestation just before reopening to ensure all matters related to COVID-19 have been adequately addressed.

e. Agreed Upon Procedures and Audited Financial Statements

    i.   As detailed in 25 C.F.R. § 543.23(d)(1)-(2) the Tribe must engage a CPA to complete an Agreed Upon Procedures (AUP) Audit and report the findings to the NIGC within one hundred twenty (120) days of the gaming operation's fiscal year end. Additionally, 25 C.F.R. § 571 requires each tribe to prepare an Audited Financial Statement which is also due within one hundred twenty (120) days of the gaming operation's fiscal year end.

    ii. With regard to the reporting deadlines for audited financial statements and Agreed Upon Procedure reports for fiscal year end 2021, those operations that underwent a temporary closure during the reporting period or during the period the external audit was being conducted, the NIGC encourages submissions within 30 days of the audit and report original due dates. In those instances where there were not any temporary closures, submissions should be made by the original due date.

    iii. Please contact your NIGC regional office if you anticipate not meeting the 120-day deadline for reporting.

17. **Question**: What steps should be taken if the internal audit required under 25 C.F.R 543.23 cannot be completed due to the COVID-19 pandemic?

    Answer: If it is determined that the internal audit required under 25 C.F.R. part543.23(c) cannot be completed in full, the NIGC recommends prioritizing the completion of critical or high-risk sections of the audit where fraud or theft is most likely to occur. For any agreed-upon

procedures (AUP) findings internal audit may receive for lack of compliance with 25 C.F.R 543.23(c), the NIGC encourages the party responding to the finding(s) to include details on why specific audits or testing was not completed. For example, this section was not completed due to the closure of the gaming operation during COVID-19 Pandemic.

For tribes that outsource their internal audits, the Tribe, TGRA, audit committee, or other entity designated by the tribe should review the engagement letter. If the third party is unable to perform scheduled audits or meet timelines, the TGRA should contact the provider to identify what steps will be taken to adjust the audit plan.

The NIGC MICS do not provide a method for easing minimum internal control standards. However, the NIGC Division of Compliance will remain in close communication with the TGRA as it adjusts its operations due to COVID-19. See NIGC FAQ question #16 for additional guidance on late submissions and notifications to NIGC Division of Compliance.

Impacts on NIGC Services

18. **Question:** What impact has the COVID-19 pandemic had on NIGC's schedule of tribal casino inspections, audits, scheduled training, and visits? What is the mechanism for requesting rescheduling of such audits, inspections, training, and visits for casinos where gaming operations have been suspended and/or TGRA personnel have been reduced to essential staff only?

    Answer: The NIGC is maintaining a temporary suspension of non-mission critical travel for all NIGC staff. The NIGC remains operational and continues to uphold its regulatory responsibilities by monitoring and reviewing gaming operation activity remotely. Please contact your region office with any concerns you may have regarding timing of audits, site visits, and inspections. For additional information, please see question 19 for additional details.

19. **Question:** Are there any planned or anticipated suspension(s) of NIGC regional office operations, staff reductions, constraints on service delivery, or reductions or postponement of NIGC initiatives in the short term or long term?

    Answer: The NIGC is currently following all federal guidance and our staff is on maximum telework duty to continue agency essential duties. Region staff remain available via phone, video conference and email to provide technical assistance and will continue to process licensing submissions received. The NIGC is in the process of filling Compliance positions that became vacant during 2020 and 2021.

    In addition, NIGC staff developed processes to conduct site visits and training in a remote capacity. The agency continues to offer CJIS LASO Training as well as CJIS Security Awareness Training through the www.cjisonline.com website. The NIGC will continue to offer trainings on virtual platforms. All of our virtual trainings are available for viewing online at your convenience by visiting https://www.nigc.gov/compliance/recorded-training-session-request-forms and registering for the courses that meet your needs.

    Virtual training opportunities provide a pathway for the Commission to uphold its initiatives to develop effective rural outreach to gaming establishments in rural areas, staying ahead of the technology curve, and supporting a strong workforce among our regulatory partners. Remote learning eases the financial burden of attending a training seminar, allows more individuals from the same office to attend, and additionally allows us to meet, learn and collaborate in a

safe way during the pandemic. Please remember that our virtual platforms are not just for national training events, agency staff utilize them to provide Site Specific Training to tribes across the nation.

The NIGC can and will conduct activities related to site visits, audits, training and investigatory activities through other means including telephone, email, document request and review, and other off-site methods. The NIGC shall conduct remote work until such time the remaining activities that require on-site observation and review can be undertaken. Please contact your Region Office for additional assistance (https://www.nigc.gov/compliance/regional-offices). You may also contact our training program at traininginfo@nigc.gov for any training requests.

Use of Net Gaming Revenue

20. **Question**: Can a tribe amend its Revenue Allocation Plan (RAP) to start making per capita payments, change the amount of the payments or stop making per capita payments to reallocate funds to tribal operations during the COVID-19 pandemic? Does the NIGC need to be notified of the amendment?

    Answer: Tribes should discuss any RAP amendments with the Office of Indian Gaming (OIG) at the Department of the Interior.

21. **Question**: Can tribes issue gift cards or other types of cash payments of net gaming revenue to tribal members to assist in dealing with COVID-19?

    Answer: Direct distributions of net gaming revenue to individual tribal members outside the scope of a Revenue Allocation Plan are not permitted under IGRA. However, funding of tribal programs is a permissible use of net revenue. These programs can provide services and resources to tribal members. If a tribe wishes to make cash distributions, we recommend you reach out to the Office of Indian Gaming at the Department of the Interior to discuss options for creating or amending a Revenue Allocation Plan. Additional guidance regarding uses of net gaming revenue can be found in NIGC Bulletin 2005-1 at https://www.nigc.gov/compliance/detail/use-of-net-gaming-revenues-bulletin

Re-Opening Gaming Operations:

22. **Question**: If a Tribal Government has issued a proclamation closing a gaming facility due to the COVID-19 outbreak, what must they do to reopen?

    Answer: The Tribal Government may need to issue another proclamation indicating that it believes it is now safe to resume casino operations. The NIGC also requests that prior to reopening, the TGRA notify the Region Office of its intent to reopen. Additionally, the TGRA should assess its ability to attest that the facility can be reopened and operated in a manner that protects the public health and safety of employees and patrons, or if application of tribal laws warrants. As was the NIGC's recommendation regarding temporary closure decisions, the NIGC recommends for tribes to avail themselves of resources on www.CDC.gov and consider the value of coordination with local jurisdictions when assessing and planning.

    See https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html for additional information on this topic. (July 8, 2020)

23. **Question**: What should the Tribe and TGRA consider before reopening a gaming operation previously closed due to COVID-19?

    Answer: The NIGC has posted reopening guidance and a NIGC COVID-19 Reopening Assessment on our website at www.nigc.gov. The reopening guidance covers IGRA and NIGC regulation requirements as well as best practices and suggestions based on our understanding of COVID-19 to help ensure that the gaming operation is reopened and operated in a way that protects the health and safety of employees and patrons. The NIGC COVID-19 Reopening Assessment lists EPHS considerations and internal control guidance for reopening.

24. **Question**: If a casino furloughs or lays off key employees or primary management officials will such employees have to be relicensed before resuming their duties at the operation?

    Answer: If an employee's license has not expired or been revoked during the closure, there is no requirement under IGRA or NIGC regulations to relicense all returning employees previously licensed upon reopening the gaming operation. Tribes may consider extending expiration dates for gaming licenses due to the temporary closures.

25. **Question**: Can the TGRA suspend or waive required suitability background and licensing determinations of casino employees and vendors?

    Answer: No. 25 C.F.R. § 556 and 558 requires all Key Employees and Primary Management Officials to be licensed by the tribe within 90 days of beginning work. NIGC continues to receive fingerprints for FBI CHRI purposes, notice of results, and notice of licenses issued and will continue to issue no objection or objection letters. This would not prohibit tribes from extending expiration dates of Key Employees and Primary Management Officials licensed prior to the temporary closure. Tribes should refer to their gaming ordinances and internal control standards regarding vendor licensing requirements as the NIGC does have not have regulations for vendor licensing.

Questions 26 – 37 (Added August 5, 2020)

26. **Question**: Once a gaming operation has reopened, what is the expectation regarding NIGC fee payments?

    Answer: With the exception of the second quarter fees due March 31, 2020, the NIGC expects all NIGC fees to be paid and worksheets (fee statements) to be submitted on time as prescribed by IGRA and NIGC regulations. Operations that appear to be late or missing fee payments will be contacted by the NIGC Region Office to ensure payments have been submitted, are being prepared for submission or document why payments have not been submitted. The Compliance Division will then determine if late fee assessments and/or enforcement action will be recommended to the Chairman.

27. **Question**: For background and licensing, what are some important safety considerations for fingerprint during the COVID-19 Pandemic?

    Answer: One of the first safety considerations is deciding whether there is an actual requirement to fingerprint the applicant. The NIGC wants to remind TGRAs that there is no NIGC requirement to fingerprint existing Key/PMO Gaming Licensees for renewals. TGRAs are highly encouraged to review their gaming ordinances and internal regulations and modify

them as necessary to allow for a background investigative process, for renewals, that does not include fingerprinting.

Other considerations include:

A. 25 C.F.R § 558.1 allows for the issuance of a temporary license that is intended to expire within 90 days of issuance and exempts those employees from the fingerprint process. However, it should be noted that 25 C.F.R. § 558.3(c) prohibits the gaming operation from employing a key employee or primary management official who does not have a license after 90 days. TGRAs may wish to consult with operations and determine if employees may be needed on a temporary basis, keeping in mind the existing licensing requirements.

B. Given the current safety considerations and implementation of CJIS requirements it may be an excellent time to review job descriptions, salary information, and duties to determine if the employee and position can be classified as Key or Primary Management Official and qualify for fingerprinting through the NIGC. As a technical assistance to Tribes, the NIGC has created a checklist to aid in this decision-making process. The checklist and other CJIS training materials can be found on the NIGC's website: https://www.nigc.gov/compliance/CJIS-Training-Materials

C. While social distancing has been one of the primary methods of mitigating the risk of COVID-19 transmission, the NIGC recognizes social distancing may not be possible during the fingerprint process. After examining recommendations from other sources and existing mitigation practices, the NIGC has identified the following safety precautions a TGRA may wish to consider during the fingerprinting process:

- Conduct fingerprints by appointment only and allow adequate time between appointments to clean and sanitize the area.

- Have the applicant verify that they are symptom-free the day of the appointment.

- Conduct temperature scans on arrival.

- Ensure that the applicant wears a face covering; lowering it briefly to verify identity.

- Utilize a soft clear sheet, something similar to a shower curtain to create a flexible barrier between the applicant and staff member during the fingerprint process.

- Have proper personal protective equipment for your employees including gloves, masks, and gowns as appropriate.

- Have applicants wash hands thoroughly with soap and water just prior to fingerprinting. If a washbasin is unavailable ensure that hand sanitizer (60% alcohol +) is used just prior to the fingerprint process. It should be noted that live scan devices often perform better when hands are moist, and that sanitizer can have a drying effect on the hands. It may be necessary to have a fresh basin of soapy water nearby to dip hands in after sanitization or have moistened paper towels in place for the applicant to place hands on to aid in

the process.

- After completing the session, ensure that all surfaces are cleaned and sanitized and that used protective equipment has been properly disposed of.

- Read and follow the manufacturer's advice when cleaning and sanitizing your live scan device.

- Consider conducting the fingerprints outside or in a separate well-ventilated tent as it is believed that the virus may not spread as easily under those conditions.

28. **Question**: What are some safety considerations for Table and Card Games?

Answer: The NIGC has received numerous requests for technical assistance in regard to how an operation can safely reopen the entire facility; including the Table Games Department. Table games are different than many other forms of gambling and provide operators with unique challenges to safety open as the threat of COVID-19 continues. Some of those challenges stem from the fact that, by nature and design, table/card games require close contact from at least two individuals and often times many more. An additional challenge is that traditional pit design includes various sizes and shapes of tables that are often grouped closely together. This makes the primary mitigation measure of social distancing quite challenging. Recently issued CDC guidance rates table games play into the two highest risk categories: "Even More Risk" and "Highest Risk" making table games a very important area for all mitigation measures.

The NIGC has identified three (3) primary areas for policy consideration as operations seek to resume play of Table Games:(1) Social Distancing in the Pit Area, (2) Cleaning and Sanitization, and (3) Game Integrity.

A. **Social Distancing**: Social Distancing has proven to be one of the most effective ways to prevent the spread of many infectious diseases including COVID-19. While it may not be easy to play table games while social distancing some things to consider are:

- Reduce table occupancy;
- Restructure the pit to allow for greater distance between tables;
- Install acrylic dividers between individual patrons and dealers;
- Alternate player stations, i.e., Table 1 may have First base, Short Stop, and Third Base and Table 2 may have Position Two and Four or Three and Five;
- Limit seating capacity to allow for social distancing. Limit the number of customers at gaming tables based on type of game to maintain at least 6 feet between customers;
    o Limit seating by removing chairs to visually enforce maximum capacity at table games.
    o Provide visual cues on the floor for where chairs should be placed to ensure 6 feet of distance between customers and the dealer;

- Consider which games can have no touch "Face Up" cards;
- Discourage eating and smoking at game tables;
- Discourage customers from congregating around and behind table games;

- Recommend incoming dealers sanitize their hands before going to the table and announce their presence to the outgoing dealer (no tapping in).

B. **Cleaning and Sanitization**: Social Distancing may be difficult to accomplish for the Table Games Department. This makes the policy considerations for cleaning and sanitization all the more important. CDC guidance[2] indicates that wearing cloth face coverings, using hand sanitizer (60% alcohol +), and washing hands (20 seconds + soap/water) are effective ways to help diminish the spread of the COVID-19 Virus. Some recommended mitigation techniques for consideration include:

   - Ensure patrons and employees are wearing cloth face coverings properly;
   - Support healthy hygiene behaviors by providing adequate supplies, including soap and water, paper towels, tissues, no-touch (preferably covered) trash cans, cloth face coverings (as feasible), and hand sanitizer containing at least 60% alcohol (placed adjacent to every card table or table game, if supplies allow);
   - Have patrons use hand sanitizer that contains at least 60% alcohol prior to beginning play and periodically thereafter;
   - After patrons leave the table ensure that spot is cleaned and sanitized using disinfectants from EPA's List N: Disinfectants for Use Against SARS-CoV-2[3];
   - Utilize UV lights (some UVC lights/lamps can cause severe burns of the skin and eye injuries/harmful and require extensive PPE for safe use) to periodically sanitize cards and cheques;
   - Whenever possible, utilize a chip mucker to gather lost chips and sanitize prior to reuse;
   - Utilize additional pit personnel to sanitize hard surfaces including table rail, discard rack, drop box, balls, wheels, dice, sticks, automatic shufflers, Pai Gow tiles, toke boxes and other high touch surfaces as appropriate;
   - Consider decreasing staff table time to allow for more frequent breaks allowing staff to wash their hands with soap and water;
   - Use multiple decks of cards and alternate between them. Additionally, consider retiring decks with greater frequency;
   - CDC guidance[4] recommends that operations store cards and equipment for 72 hours prior to reuse. If canceling cards or dice, operators or regulators should review existing policies to determine if revisions are needed to allow for 72-hour storage. If 72-hour holds are not possible, ensure staff examining/cancelling cards have proper Personal Protective Equipment;
   - Increase sanitization of pit podiums and shared equipment.

C. **Game Integrity**: It is important to remember if the table games pit is restructured, surveillance cameras may need to be moved or adjusted to allow for adequate game protection. It is also important to note that many non-poker playing cards are more paper based than plastic. This means it may not be possible to effectively wash the cards without marking or destroying them. The NIGC encourages operations to

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[2] https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/casinos-gaming-operations.html

[3] https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19

[4] https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/casinos-gaming-operations.html

consider using special enclosed UVC lights designed to sanitize sensitive surfaces such as cards and cheques.

Ask staff, such as dealers and other pit personnel, to wash and sanitize their hands with greater frequency, keeping in mind that moisture from hand sanitizer (60% alcohol +) or water can quickly warp and/or mark cards. The NIGC and CDC recommends that whenever possible employees wear appropriate Personal Protective Equipment. Operations will need to evaluate the use of gloves by table games dealers. While gloves may provide some protection, they may increase the difficulty in dealing the game. In addition, gloves can also make it more difficult to know if your hands become dirty or wet, thus inadvertently marking the cards for an observant patron. It is possible that marking compounds can be placed onto gloves purposely allowing certain players to gain an advantage.

Table games officials may also wish to test how their particular cards react to hand sanitizers. Knowing in advance whether the sanitizer marks or alters the cards in some way may alert them to potential security issues in the future.

29. **Question:** Are casinos implementing temperature checks for patrons and employees?

Answer: While some Tribal gaming operations have discontinued the practice of performing temperature checks on all customers and employees, others have continued to use large-scale temperature checks as part of their mitigation procedures. As part of their analysis of local, on the ground conditions, many Tribes have approved varying levels of screening for customers and employees in accordance with applicable federal, state, tribal and confidentiality laws and regulations. Designated trained casino personnel monitor each entrance and may conduct touchless temperature checks or have signage containing temperature related health questions for guests to respond to prior to entry. The use of thermo-imaging technology has been adopted by some operations. Operations, after a careful evaluation of local risks, may implement required temperature checks at all entrances with ongoing monitoring of guests for indications that additional screening or temperature checks may be required after entry. For employee screening, designated trained casino personal have been conducting touchless temperature checks of employees prior to and during work hours and have employee self-monitoring policy requirements for temperature checks. For additional information on temperature screening, visit the CDC website at: https://www.cdc.gov/coronavirus/2019-ncov/community/general-business-faq.html

30. **Question**: Are Tribes utilizing waivers of liability or warning signs at facility entrances to inform guests of the risk and potential exposure to COVID 19?

Answer: Some Tribes have reported the implementation of signage at the entrance to their gaming operations advising patrons they are entering the facility at their own risk and the casino will not be held liable should they become infected with the COVID 19 virus. TGRAs or gaming operations wishing to implement such waivers, should contact their legal counsel for advice on implementing such measures.

31. **Question:** How are tribes implementing cleaning schedules of machines or contact surfaces?

Answer: The CDC has issued guidance for casinos and gaming operations: (https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businessemployers/casinos-gaming-operations.html)

as well as guidance for cleaning and sanitizing https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html

NIGC recommends TGRAs / gaming operations develop policies that include the identification of all contact surfaces within the gaming operation that are frequently touched or handled by patrons and employees and include in the polices how often cleaning and sanitizing must be performed. Gaming operations may find they need to utilize additional personnel to meet the cleaning scheduling requirements. Use of scheduling logs will assist with verification, staff shortages, lack of resources and identifying non-compliance with the policy.

32. **Question**: Given existing CDC guidelines, will the NIGC require the use of Personal Protective Equipment (PPE) at Tribal Casinos?

    Answer: CDC guidelines recommend and reinforce the use of face coverings among staff and customers. Face coverings should be worn as feasible and are most essential in times when social distancing is difficult. Individuals should be frequently reminded not to touch the face covering and to wash their hands frequently. Provide information to staff and customers on proper use, removal, and washing of cloth face coverings. The NIGC does not require the use of specific PPE by regulation. However, the lack of PPE use where conditions warrant use or lack of enforcement of required PPE use where tribal policy requires PPE use would be a factor in determining if a gaming facility was operating in a manner that protects public health and safety.

33. **Question**: As part of its annual audit requirements, will the NIGC require audit reports on the use of nongaming revenue to support gaming operations? Such as loans from the PPP, or Federal Reserve lending facilities?

    Answer: The funds used to support a gaming operation will in all likelihood be subjected to annual audit procedures. A Paycheck Protection Program loan or other federal reserve loan program is likely no different than a tribe receiving a loan or line of credit from a financial institution. If the funds are received by the gaming operation and used to pay casino related expenses, then the amounts received would be recorded as financing activities of the casino and the records be subject to annual audit procedures by the CPA. In other words, professional accounting standards may require the audits of all funds (gaming, non-gaming, financing, transfers from the tribe, etc.) received by the gaming operation.

    For concerns specific to the Main Street Lending Program, the NIGC has issued a declination Letter that can be found here: https://www.nigc.gov/images/uploads/ManagementReviewLetters/10062020FederalReserveBankofMinneapolis-NoTribe.pdf

34. **Question:** How does the NIGC perceive its role during the resumption of operations?

    Answer: NIGC Regional Offices have received and reviewed reopening plans for each casino that has resumed operations. Compliance Officers have been providing technical assistance based on guidance from public health agencies and best practices from other TGRAs/Casinos. The Compliance Division will continue to monitor operations and provide assistance as needed. The agency as a whole continues to monitor public health and safety considerations and work with the tribes as needed to address potential issues and concerns. In addition, the NIGC has hired a Safety and Occupational Health Manager to assist TGRAs/Casinos with EPHS

questions and concerns. For any questions or concerns, please contact Safety and Occupational Health Manager Eddie Ilko at Eddie.Ilko@nigc.gov

35. **Question:** How are you coordinating with your staff to avoid miscommunications between NIGC and Tribes?

    Answer: The NIGC Chairman conducts a frequent check-in with all NIGC Regional Directors to receive status reports and discuss pertinent issues. Additionally, the Chief of Staff and Chief of Compliance maintain frequent communication with regional offices and receive regular briefing reports. All questions and/or concerns received from tribes are discussed collectively.

36. **Question:** What kind of technical assistance are you looking to provide with the NIGC COVID-19 Preliminary Assessment?

    Answer: The NIGC made available its COVID-19 Preliminary Assessment to tribes in an effort maintain transparency. The Preliminary Assessment is a tool used by the NIGC Regional Offices for assessment public health and safety and may also assist tribes in establishing their own checklist and operating plans.

37. **Question**: Will NIGC share best practices on what is working during the resumption of operations?

    Answer: Yes, we have worked with tribes to obtain consent to share their environmental, public health and safety plans with other tribes. Please contact your NIGC Regional Office for assistance in obtaining an example plan. You can view the NIGC Model Infectious Disease Response plan on our website at: https://www.nigc.gov/commission

38. **Question:** Will the NIGC allow CPAs to perform remote testing in response to the COVID-19 for the MICS required AUP reports?

    Answer: 25 C.F.R. § 543.23(d)(1) requires that "A CPA must be engaged to perform an assessment to verify whether the gaming operation is in compliance with these MICS, and/or the TICS or SICS if they provide at least the same level of controls as the MICS. The assessment must be performed in accordance with agreed upon procedures and the most recent versions of the Statements on Standards for Attestation Engagements and Agreed-Upon Procedures Engagements (collectively "SSAEs"), issued by the American Institute of Certified Public Accountants." Those professional standards require the CPA to use their professional experience and judgement to plan and perform the AUP engagement so that the testing methods are sufficient to determine compliance. As such, reliance on a CPA's development of testing protocols that includes remote verification which complies with professional standards will be acceptable for 25 C.F.R. § 543 AUP requirements.

Additional Guidance, Checklists, and resources:

NIGC Reopening Preliminary Assessment:
http://www.nigc.gov/images/uploads/Preliminary%20Assessment%2005012020%20(revised).docx

NIGC Cybersecurity Readiness:
https://www.nigc.gov/images/uploads/Tribal_Cybersecurity_Readiness.pdf

NIGC Model Infectious Disease Response Plan:

https://www.nigc.gov/images/uploads/NIGC_Model_COVID19_Infectious_Disease_Preparedness_and_Response_Plan__Final_08042020_TLC_(1).docx

A complete list of NIGC resources is located at **https://www.nigc.gov/commission**

Other Federal Resources:

- Coronavirus Updates - https://www.coronavirus.gov/
- Bureau of Indian Affairs - https://www.bia.gov/coronavirus
- Indian Health Services - https://www.ihs.gov/coronavirus/
- Center for Disease Control - https://www.cdc.gov/
- Federal Emergency Management Agency - https://www.fema.gov/coronavirus/
- White House - https://www.whitehouse.gov/

Vaccination Resources:

In order to stay up to date with the latest guidance on vaccinations and related information the NIGC recommends you review the web-based resources listed below. Additional resources may also be available via your State's health department website. ·

- https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/underlying-conditions.html?s_cid=10485:who%20should%20not%20take%20the%20covid%20vaccine:sem.ga:p:RG:GM:gen:PTN:FY21 ·
- https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines ·
- https://www.ihs.gov/coronavirus/resources/

Downloadable Federal Resources:

- Bureau of Indian Affairs - https://www.bia.gov/covid-19/posters
- Centers for Disease Control and Prevention - https://www.cdc.gov/coronavirus/2019-ncov/communication/print-resources.html?Sort=Date%3A%3Adesc