

ANNUAL REPORT FY 2022

Resilient and Ready



NATIONAL INDIAN GAMING COMMISSION
Regulatory Compliance ★ *Gaming Integrity*

From the Commission



E. Sequoyah Simermeyer
Chairman

Indian gaming serves as the most effective tool in modern federal policy maximize most tribal governments' abilities to retain greater governmental self-sufficiency. The nearly 250 tribal governments who license over 500 gaming operations on Indian land in 29 states represent a nearly \$40 billion industry with national and regional economic significance.

As the industry emerges from the pandemic and faces a changing regulatory landscape, the following pages summarize and reflect on key operational metrics across NIGC's divisions and offices during portions of the 2021 and 2022 calendar years. The Agency's operational activity during FY 2022 (October 1, 2021 – September 30, 2022) contained in this



Jeannie Hovland
Vice Chair

report represents the results of a regulatory and industry response to these occurrences. While the pandemic and changing regulatory landscape often served as a stress test for regulatory institutions, they have shaped NIGC's attention to forward planning.

Published during a significant time in the global gaming industry's history, this year's report also sets the stage for an annual reporting cycle which reviews the strengths and future opportunities of NIGC's approach to protecting tribes' assets derived from gaming.

Inside, readers will find the Agency's past investments and a

forecast of industry trends that inform, and continue to inform, its policy analysis, operational planning, regulatory practices and industry assessments, through NIGC's four [strategic goals](#).

As NIGC starts the 2023 calendar year, the demands from industry uncertainty and expansion have enhanced NIGC's capacity as it returns stronger, and with a greater capacity to meet its statutory charge. We look forward to reporting our progress in early 2024.

E. Sequoyah Simermeyer

Jeannie Hovland



\$39 Billion

Industry

Over
500
Gaming
Operations on
Indian Land

Nearly
250
Tribal
Governments

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Our **Mission** is to

Mission

1. Promote tribal economic development, self-sufficiency, and strong tribal governments
2. Maintain the integrity of the Indian gaming industry
3. Ensure that tribes are the primary beneficiaries of their gaming activities

To fulfill its mission and achieve compliance, NIGC works within the framework created by IGRA by providing sound guidance, removing unnecessary roadblocks, and sensibly regulating gaming activities conducted by sovereign Indian tribes on Indian lands, without stymieing the economic development and entrepreneurial spirit of tribes.

The
Commission's
Vision is to utilize
all of its regulatory tools,
including training, technical
assistance, public education,
and enforcement to empower and
partner with tribal governments to en-
sure regulatory compliance and gaming
integrity that respects the capabilities
and responsibilities of each sovereign tribe.

Vision

About the NIGC

Resilient and Ready



Meet our Agency

The National Indian Gaming Commission was created in 1988 with the passage of the Indian Gaming Regulatory Act (IGRA), enacted to support and promote tribal economic development, self-sufficiency, and strong tribal governments through the operation of gaming on Indian lands. The Act provides a statutory basis for the federal regulation of Indian gaming. IGRA establishes the Commission to regulate and support tribal gaming as a means of generating revenue for tribal communities. See 25 U.S.C. § 2702 and 25 U.S.C. § 2704.

NIGC Commission

The Commission consists of three full-time members, including a Chair and two Associate Commissioners. The Chair is appointed by the President and confirmed by the Senate. The two Associate Commissioners are appointed by the Secretary of the Interior. The Commission selects a Vice Chair by a majority vote. At least two members of the Commission shall be enrolled members of any Indian Tribe, and only two may be of the same political party.

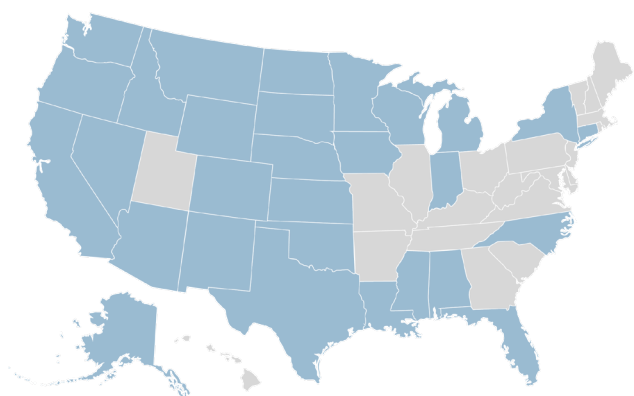
Our Responsibility

The National Indian Gaming Commission is committed to fulfilling its statutory responsibilities by:

- Regulating and monitoring certain aspects of Indian gaming
- Coordinating its regulatory responsibilities with tribal, state and federal regulatory agencies
- Providing training and technical assistance to tribal regulatory agencies and operations
- Reviewing and either approving or disapproving gaming ordinances and management contracts
- Reviewing the backgrounds of individuals and entities to ensure the suitability of those seeking to manage or invest in Indian gaming
- Overseeing and reviewing the conduct and regulation of Indian gaming operations
- Initiating enforcement action for violations against the IGRA and its regulations; and referring criminal matters to appropriate tribal, federal, and state entities

As the NIGC fulfills these responsibilities, the Agency closely reviews any indications of corrupting influences that may jeopardize the integrity of tribal gaming.

In FY 2022, NIGC provided Federal oversight to tribally owned, operated, or licensed gaming establishments operating in twenty-nine states.



Tribally Owned,
Operated, or
Licensed
Gaming
Establishments

Operating
in **29** States

About this Report | *Resilient and Ready*

This report was informed by trends observed over the past fiscal years with FY 2022 demonstrating the Indian gaming industry has innovated and grown. An influx of new technologies and gaming formats in recent years presents opportunities for potential growth and points to a resilient and ready gaming industry.



As both NIGC and gaming tribes emerge from the pandemic together, FY 2022 has shown the resiliency of the Agency to pivot from predominantly in-person outreach, site visits, and training sessions pre-pandemic, though almost exclusively virtual operations, to a hybrid model where both virtual and in-person engagements provide maximum flexibility for tribes to engage with the Agency to meet their operational posture.

Inside this report, readers will find this resilient approach reflected in NIGC's major accomplishments over the past fiscal year. This report does not capture everything the Agency does on a daily basis, but provides highlights of significant activities in support of the NIGC FY 2022-2026 Strategic Plan that help tribes remain ready for the challenges of FY 2023 and beyond.

The NIGC's strategic plan is an important tool to support the Agency's success in carrying out its statutory responsibilities and it serves as a tool for transparency as the Agency sets forth priorities and initiatives. The Strategic Plan for Fiscal Years 2022-2026 emphasizes four areas for the Agency's work - support for industry integrity; efforts around Agency accountability; the regulatory community's commitment to preparedness; and innovation in the Agency's outreach and collaboration. This report guides readers through each strategic goal. Additional information and detailed metrics from key performance areas referenced in each chapter are in the **Annex**.

Meet Our Team: Office of the Chief of Staff



"As Deputy Chief of Staff, I assist in policy formation and strategic consultation on major issues regarding gaming regulations on Indian lands. I also provide integrated policy analysis, strategic and operational planning, and program coordination.

I have managed and supervised for well over 20 years and the one thing I have always found intriguing is an individual's reactions to change.

I always carry the philosophy that the one thing we can always guarantee is change. How we react to change determines how well we successfully progress forward."

Christinia Thomas | Deputy
Chief of Staff

SPOTLIGHT ON

National Indian Gaming Commission's Strategic Plan

The [NIGC Strategic Plan](#) FY 2022–2026 includes four strategic goals:

Goal 1

Industry Integrity

Protecting the valuable tool of Indian gaming, that in many communities creates jobs, is the lifeblood of tribal programs, and creates opportunities for tribes to explore and strengthen relationships with neighboring jurisdictions by ensuring the industry's integrity.

Goal 2

Preparedness

Promoting tribes' capacity to plan for risks to tribal gaming assets, including man-made disaster threats, pandemics, natural disaster threats, the need to modernize and enhance regulatory and gaming operation workforces, or public health and safety emergencies.

Goal 3

Outreach

Cultivating opportunities for outreach to ensure well-informed Indian gaming policy development through collaborative and diverse relationships, accessible resources, and government-to-government consultation.

Goal 4

Agency Accountability

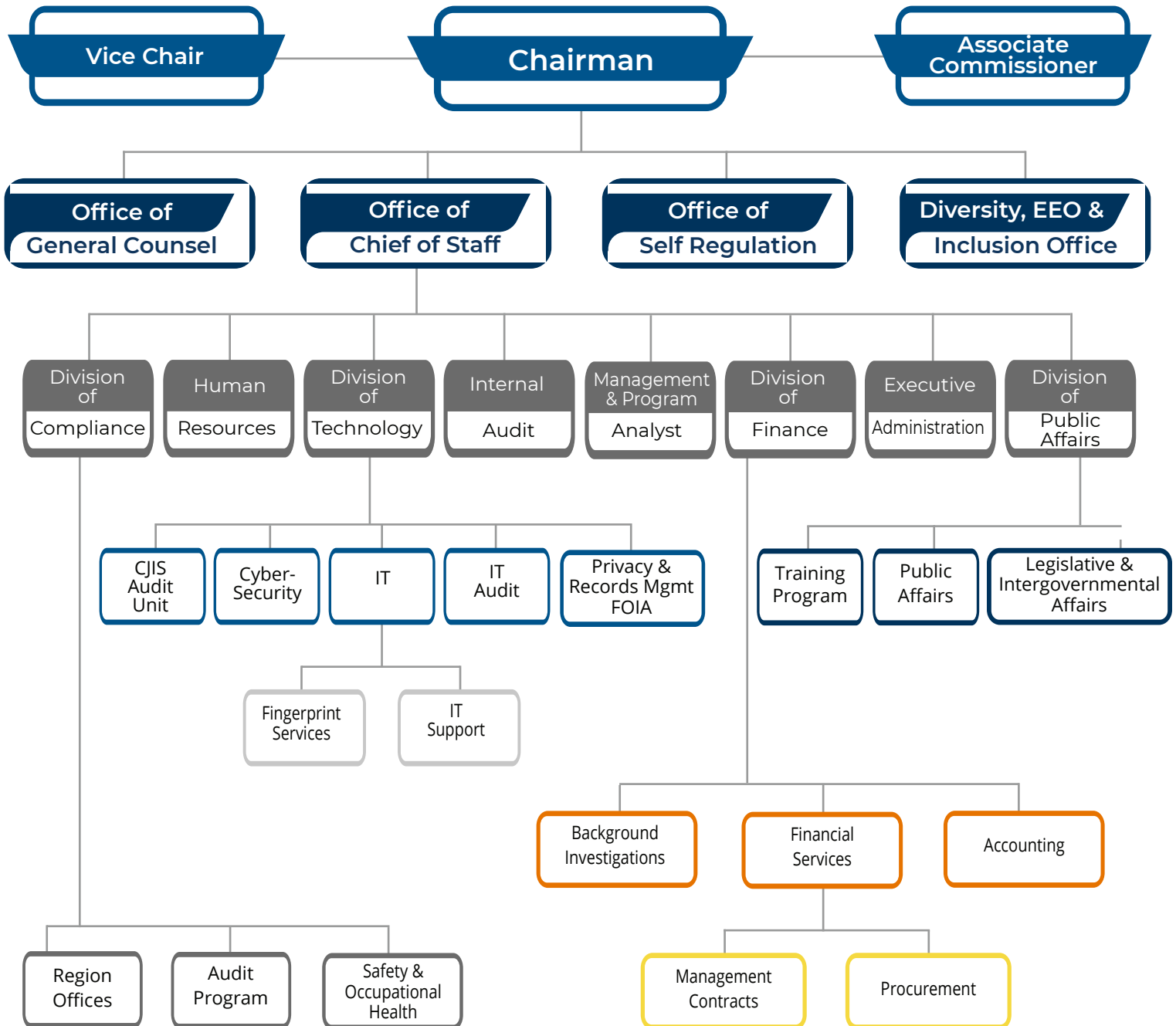
Meeting the tribes' and public's expectations for administrative processes that uphold good governance practices and support efficient and effective decision making to protect tribal assets.

From left, NIGC Chairman E. Sequoyah Simermeyer, Sherman Indian School's Principal, Larry Comacho, and from the Bureau of Indian Education, Ms. Juanita Mendoza. The Bureau of Indian Education hosted a leadership training for its school principals in Riverside, California. After meeting with southern California tribal regulators discuss fraud and financial crime trends, Simermeyer had the opportunity to visit and discuss strategies for effective training and skills development.



NIGC Organizational Structure

The NIGC's organizational structure is composed of two main branches, the Office of General Counsel which handles legal affairs, and the Office of the Chief of Staff, which manages day-to-day activities and includes the Division of Compliance, Division of Finance, Division of Public Affairs, and the Division of Technology.



Current as of 09/30/2022

Agency Leaders



Dustin Thomas
Chief of Staff

The **Office of the Chief of Staff (OCOS)** manages day-to-day operations, which include the Divisions of Compliance, Finance, Public Affairs, Technology, and Administrative support functions. The OCOS supports the Commission by coordinating all staff activities to work within the framework created by the Indian Gaming Regulatory Act (IGRA) for the regulation of gaming activities conducted by sovereign Indian tribes on Indian lands. OCOS also is responsible for NIGC's daily administrative operations, including all aspects of human resource management, budgeting and procurement, physical infrastructure management and the health and safety of Agency employees.



Michael Hoenig
General Counsel

The **Office of General Counsel (OGC)** serves as NIGC's legal staff. It represents the Chair and the Commission in all Agency matters, including providing the Commission and its staff with legal advice on the Agency's activities, coordinating litigation with the Department of Justice and other agencies, reviewing tribal ordinances and management contracts, and providing counsel on other matters that arise as the NIGC fulfills its regulatory mission. OGC also provides legal opinions to tribal gaming industry stakeholders on a variety of issues, including Indian lands, game classification and whether a particular agreement implicates management. The office handles all Freedom of Information Act (FOIA) requests.



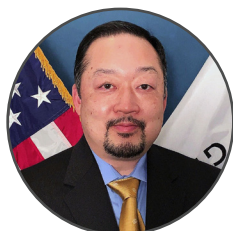
Thomas Cunningham
Chief Compliance Officer

The **Division of Compliance** monitors compliance of tribal gaming operations in accordance with the Indian Gaming Regulatory Act by working closely with more than 5,000 tribal regulators. The Division includes eight regional offices comprised of compliance and audit staff. The Division monitors through tracking, training, audit, site visits, observation, and reporting in conjunction with established relationships with tribal regulatory agencies.



Yvonne Lee
Chief Financial Officer

The **Division of Finance** handles the Commission's fiscal and budgetary matters and supports the Agency's day-to-day accounting and financial activities. The division performs the tasks as part of NIGC's statutory and regulatory duties and is also responsible for the accounting and financial functions such as calculating fee rates, and collecting fees for Class II and Class III gaming, fingerprint, and background investigation payments; conducting management contract review and background investigation for third-party contractors; and preparing annual Gross Gaming Revenue information for public release.



Jun Kim
Chief Information Officer

The **Division of Technology** oversees the Agency's information technology, records management, background and licensing, fingerprint processing, and training and assessments including Regulating Technology Course and IT Vulnerability Assessments.



Justin Platt
Chief of Public Affairs

The **Division of Public Affairs** provides tribes, tribal regulators, Congress, the public and other stakeholders with clear and accurate information about the National Indian Gaming Commission's programs and activities. The division is responsible for planning, coordinating and managing the Agency's media relations, community engagement, legislative affairs, and training programs.

Industry Integrity

Protecting Indian Gaming



Protecting the valuable tool of Indian gaming promotes job creation, supports the lifblood for tribal programs, and empowers tribes to explore and strengthen relationships with neighbor jurisdictions.

As the industry continues to evolve at a rapid pace, critical guidance on sports wagering, new technology, and statutory expectations for financial and gaming operation partnership arrangements have been a focus for the Agency.

Anticipating opportunities to avoid non-compliance in priority enforcement areas and establishing new tools for early engagement with tribal regulatory bodies remains an important focus.

Ongoing opportunities exist to provide attention to more efficient oversight and audit strategies that will focus Agency resources around the greatest locations and areas of risk for non-compliance. - *E. Sequoyah Simermeyer, Chairman*

Central to our Mission

A core part of NIGC's mission is to promote industry integrity. The Agency accomplishes this goal through its compliance, IT, and financial regulatory policies and enforcement actions that protect the valuable tool Indian gaming represents for many communities.

In FY 2022, NIGC delivered services, systems and oversight across the industry.

These efforts provided tribes the opportunity to build and sustain resilient and ready gaming operations. In many communities, this creates jobs, sustains tribal programs, and creates opportunities for tribes to explore and strengthen relationships with neighboring jurisdictions.

SPOTLIGHT ON Regulatory Compliance

NIGC's Compliance Division is responsible for ensuring gaming operations comply with IGRA, NIGC regulations, and tribal gaming ordinances, providing training and technical assistance, performing investigations, audits, and special assignments, and recommending enforcement actions as necessary to the Chairman.

On a daily basis, the Agency's [eight Region Offices \(see map\)](#) conduct site visits, implement background and licensing requirements, and ensure tribes comply with IGRA and the Agency's regulations.

In addition to assisting the Region Offices with investigations and special assignments, the division's Audit Program audits, assesses, reviews and compiles annual audited financial statements and agreed upon procedure (AUP) reports from all gaming operations.

To help tribal regulators ensure they are both resilient and ready, the NIGC Compliance Division provided formal regulatory compliance training at 66 events (in-person and virtual).

In FY 2022, the Division reached 9,599 attendees for a total of 81 hours of training. Separately, Region Office staff provided technical assistance to tribes in-person and by email and phone nearly 4,000 times.

Letters of Concern (LOC)

Letters of Concern address serious compliance issues that can potentially result in violations of the Indian Gaming Regulatory Act (IGRA), and through technical assistance and training allow the tribe to remediate issues before escalation through voluntary compliance.

22



16



6



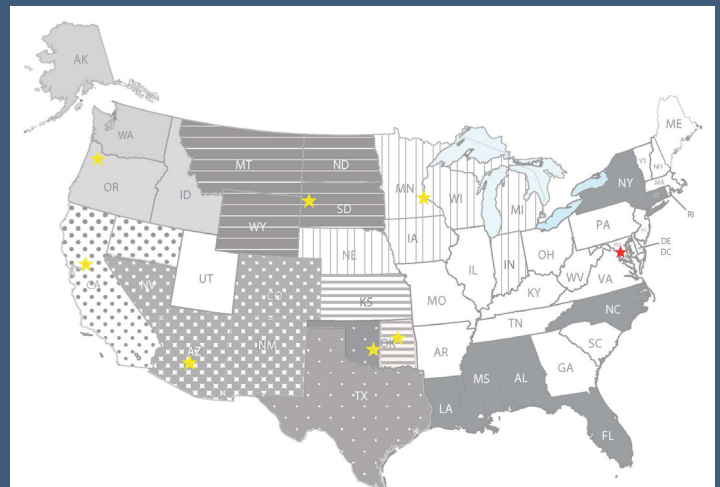
FY 2022 Division of Compliance issued 22 LOCs. From these, 16 were a result of Financial Statement and AUP Reviews. Six were a result of Compliance site visits.

+314%

Increase from FY 2021

Providing opportunities to build and sustain **Resilient** and **Ready** gaming operations.

NIGC's Regional Map



Detailed Regional Map available in the [Annex](#).

NIGC Compliance Program

The Division of Compliance issued 22 Letters of Concern (LOC) in FY 2022 to address serious compliance issues through voluntary compliance and technical assistance.

The Agency also closed (resolved) 12 outstanding LOC's. Three from FY 2020 and nine from FY 2021. To ensure further industry integrity and a ready tribal gaming industry, NIGC's Audit Program worked on and/or completed 30 reviews and evaluations for FY 2022, representing nearly 7,000 hours invested.

The Division conducted nine investigations and 16 preliminary investigations in FY 2022.



From the investigations conducted, five matters were referred to the Chairman for consideration of enforcement, resulting in two [enforcement actions](#):

- Notice of Violation (NOV) issued to the Yankton Sioux Tribe of South Dakota for failure to submit AUP reports for 2019 and 2020. This NOV resulted in a Civil Fine Assessment (CFA).
- NOV to the Alturas Indian Rancheria for failure to timely submit audited financial statements, failure to timely submit AUP reports, and failure to pay fees due to the NIGC.

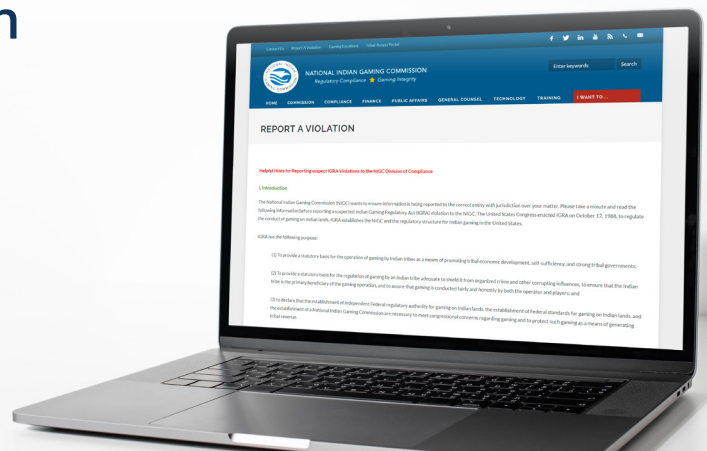
Located in the **Annex** is a complete list of the Agency's compliance activities for FY 2022.

New Tool: Report a Violation

Check out what's new on the NIGC website!

NIGC further strengthened its commitment to preserving industry integrity by launching the ["Report a Violation"](#) process on NIGC.GOV for anyone to report a potential violation to IGRA.

The feature also includes an informational tab to explain NIGC's process, jurisdictional considerations and expectations related to reporting violations.



Information Technology Support

In FY 2022, NIGC's Division of Technology increasingly focused on promoting cybersecurity awareness and training to the tribal community and internally throughout the Agency.

The Agency fulfilled key responsibilities by issuing periodic announcements, hosting training events, and conducting IT assessments and audits.

Communication/Training	FY 2022 Total
NIGC Tech Alerts & Warnings	5
Internal IT Bulletins	4
Training Events (In-Person / Virtual)	10
Technical Assistance to Tribes	37

Assessments/Audits	FY 2022 Totals
IT Vulnerability Assessments*	28
Criminal Justice Information System (CJIS) IT Audits	6
Internal Controls Assessments (ICA)	2

*16 tribal and 12 internal assessments

New to NIGC's support of Industry Integrity, in FY 2022 the Agency fully established the CJIS Audit Unit (CAU).

The CAU oversees implementation of NIGC's external and internal compliance strategies to achieve and demonstrate compliance with the Memorandum of Understanding (MOU) between the Federal Bureau of Investigation and NIGC concerning Non-criminal Justice Fingerprint Submissions.

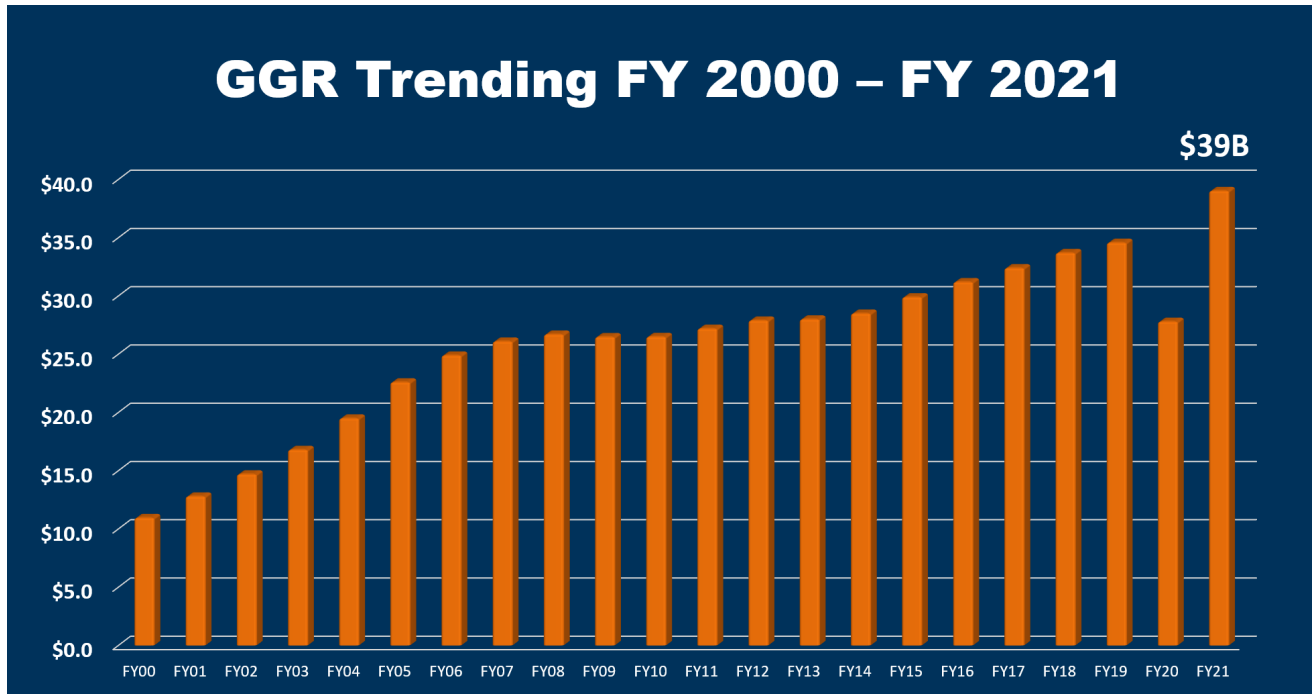
Communication/Training	FY 2022 Total
NIGC CJIS Policy Updates	4
Technical Assistance to Tribes	124
CJIS Training Events	4
CJIS Compliance Letters to Tribes	6
Local Agency Security Officer (LASO) Notifications	4

SPOTLIGHT ON

Indian Gaming Revenue | FY 2021 - \$39B

FY 2021 [Gross Gaming Revenues \(GGR\)](#) totaled a record \$39B, an increase of 40% over FY 2020 and a 13% increase compared to FY 2019. Showing a strong upward trend overall, all eight NIGC administrative regions experienced an FY 2021 increase compared to FY 2020.

Individual increases among the eight NIGC regions ranged from 56% to 28%.



\$39B
GGR
FY 2021

+ 40%
from
FY 2020

+ 13%
from
FY 2019

Meet Our Team: Compliance



"Not everyone can say they have a job that has purpose and meaning, so I am very fortunate to work for NIGC. It is very rewarding working with the tribes every day. I provide technical assistance with licensing and help them to stay in compliance with regulations. I am always learning something new, which keeps things challenging and fulfilling. I am very thankful to be a part of NIGC's team."

Tonya Nayman | Administrative Specialist

Management Contracts

An essential part of NIGC's mission to help tribes remain resilient and ready is the coordination of management contract submissions and a review process, which includes receiving, distributing, reviewing/processing, and finalizing submissions.



In FY 2022, tribes submitted five new contract/amendment submissions.

NIGC's Division of Finance works closely with the Agency's Office of the General Counsel to make recommendations to the Chairman regarding the approval or disapproval of management contracts and modifications submitted by tribes and management.

During FY 2022, the Chairman approved two management contracts. Ten were in varying stages of review.

Background Investigations

NIGC's background investigations team investigates individuals and entities with a financial interest in, or management responsibility for, management contracts entered into between tribal governments and prospective management companies. The team summarizes investigation findings and makes suitability recommendations of management contractors to the Chairman for decision. In FY 2022, this team continued to conduct financial background investigations on persons and entities associated with the management contractors.

25

Applications

The Agency received twenty-five applications for background investigations (22 individuals and three entities).

15

Investigations

Additionally, the team completed fifteen investigations (11 individual and four entities).

18

Withdrawn

Eighteen applications were withdrawn during the investigation process.

Meet Our Team: Compliance



"I feel fulfilled working for NIGC by helping tribes and gaming operations. My favorite accomplishments are site-specific training opportunities where I get to interact with tribal regulators and casino personnel in a small setting. I have also enjoyed projects where I have been able to assist other NIGC departments, such as OGC with sports book contract reviews and regional offices with inquiries and other tribal requests."

Chris Bragado | Audit

Preparedness

Promoting Resilience and Safety



Promoting tribes' capacity to plan for risks to tribal gaming assets from critical events has included new Agency resources to protect against natural disaster threats.

It also includes the Agency's first-ever year-long and national campaign around how to achieve a more modern and enhanced regulatory workforce, and Agency support for public health and safety emergency planning for other potential threats to a tribe's gaming operation or capacity to regulate.

Future opportunities include building on the tribal gaming community's readiness for cyber threats, and innovative Agency tools to assess safety and occupational health management support for a tribe's responsibility to uphold its environmental, health and public safety standards. - *E. Sequoyah Simermeyer, Chairman*

Equipping Tribes

In FY 2022 NIGC helped arm tribes with the tools to build emergency preparedness plans and prepare for risks to tribal gaming assets - including natural and man-made disasters, cyber-security threats, pandemics, and environmental public health and safety emergencies. Preparedness training, technical assistance, resources, and events also focuses on encouraging gaming operations to modernize and enhance regulatory and gaming operation workforces to ensure future continuity of operations.

Environmental Public Health and Safety

Since 2020, the Commission's work to develop resources and policies across broader preparedness challenges, like pandemic health and safety issues and critical event responses, necessitated creating a new NIGC position of Safety and Occupational Health Manager to help the Agency expand its environmental, public health and safety initiatives.

NIGC's Environmental Public Health and Safety (EPHS) functions and services to tribes include:

- In-person and virtual EPHS training
- Technical assistance, on-site safety and security threat assessments, facility inspections
- Evaluation of gaming operations [EPHS plans](#)
- EPHS reporting
- EPHS recommendations and best practices
- Facility license training

Significant external engagements in FY 2022 include conducting seven site visits/EPHS reviews, 19 training presentations, 30 technical assistance engagements, and publishing a robust model emergency preparedness plan template tribal gaming operations can use to fill in gaps in their existing plans, or as a starting point for those that need a more detailed version. Internally, the EPHS team reviewed, edited, and further developed the Agency's COVID-19 Post Re-entry Safety Plan, and conducted training sessions to inform, plan, and educate staff on its implementation.

Tribal Assistance

Environmental Public Health and Safety (EPHS) staff provided technical assistance engagements, conducted EPHS presentations, and completed EPHS site visits of gaming operations during FY 2022.

30 Technical Assistance Engagements



19 EPHS Presentations reaching



2360

External/Internal Stakeholders



7 EPHS Site Visits

Preparing and assisting tribes for emergencies. Helping to **mitigate risks.**

ER Preparedness and Response Plan Model

Emergencies and disasters can strike anywhere and at any time, bringing workplace injuries and illnesses with them. In FY 2022, Environmental Public Health and Safety division developed the National Indian Gaming Commission model emergency preparedness plan template.

Tribal casinos may be required to deal with an emergency when it is least expected. The plan template assists tribes developing their emergency plans.

The plan template aids in proper planning before an emergency is necessary to respond effectively.

SPOTLIGHT ON

Environment Public Health and Safety - Quapaw Nation

In 2022 NIGC conducted an EPHS assessment at the request of the Quapaw Nation Gaming Agency (QNGA) Executive Director. The EPHS Team and Tulsa Regional Office staff visited both the larger Downstream Casino and Quapaw Casino, a smaller facility with a few hundred machines. The NIGC Team visited with managers from each operational area who were friendly, inviting, and transparent about the safety challenges they faced given the facility age. The management team was diligent, took notes, and asked questions about safety protocols in all areas of the gaming facility and how best to remain in compliance. The visit concluded with a commitment to providing the safest gaming facility possible for staff and patrons and demonstrated the effectiveness of close collaboration and partnership between tribes and NIGC on EPHS issues.



Quapaw Casino; Miami, Oklahoma



“ From the moment I sat down with the QNGA and Quapaw Casino management team, I saw and felt their passion, dedication, pride, and genuine desire to collaborate with NIGC and its resources.”

- Eddie Ilko, NIGC Safety and Occupational Health Manager

Regulatory Preparedness

To promote preparedness in the regulatory community's workforce, NIGC launched the [3 for 35 Project](#).

3 for 35 underscores the importance of assessing and planning for the next generation of regulators by encouraging all Indian gaming regulatory bodies to identify risks and anticipate opportunities for Indian gaming's continued successful regulation in the future.

The campaign's name references the 35th anniversary of the Cabazon decision, when the Supreme Court affirmed tribal governments' distinct authority over gaming on Indian land.

The campaign's three components focus on **Strategic Recruitment**, **Knowledge Retention**, and **Skills Planning**.



KNOWLEDGE RETENTION

Supporting Tribal Regulators with extended resources, training opportunities, and development.



STRATEGIC RECRUITMENT

Preparing for the loss of key subject-matter experts in a regulatory team.



SKILLS PLANNING

Efforts to create a more efficient team ready to address new threats through a robust training program.



Supporting NIGC's 3 for 35



23,971
Internal and/or
External
Attendees

SPOTLIGHT ON

Preparedness: Social Media Campaign - [NIGC 3 for 35](#)



In April 2022, NIGC launched the 3 For 35 project: “Regulating for the Future,” at the Indian Gaming Association (IGA) Trade show and Convention. The campaign promoted regulatory community preparedness across three essential components: Strategic Recruitment, Knowledge Retention, and Skills Planning. In less than six months, the campaign **exceeded 65K verified views** across all NIGC Social platforms.



LinkedIn

66 Posts
29,754 views



Facebook

59 Posts
29,841 views



Twitter

35 Posts
5,496 views

Cyber Preparedness

NIGC’s Division of Technology implemented cybersecurity strategies and policies for the Agency and maintained information security responsibilities to ensure the confidentiality, integrity, and availability of Agency information and assets.

In FY 2022, gaming tribes reported three cyber-attacks to NIGC (down from eight in FY 2021) affecting tribal gaming operations, tribal gaming regulatory agencies, or other tribal systems. NIGC’s Technology and Compliance divisions continue to track, respond, and provide technical assistance to impacted tribes. The Agency also continues to document compliance with NIGC minimum internal control standards (MICS) and other guidelines related to information technology and cybersecurity.

Looking internally, in FY 2022, one of the more significant achievements has been NIGC’s successful implementation of conditional-based multi-factor authentication for access to critical Agency resources and increased mobile-based policy enforcement. NIGC implemented centralized event logging and auditing for all Agency systems to provide increased visibility and reporting of events to meet federal security mandates and presidential executive orders.

Additionally, the Agency also enhanced the overall security vulnerability and patch management process through the deployment of a centralized inventory asset and patch management solution to maintain and deploy security patches to both on-site and remote staff.

To ensure tribes are better prepared for potential cyber threats, NIGC’s Division of Technology deployed [Kiteworks](#) – a secure file transfer service which provides a secure means for file transfer and collaboration services between the Agency and tribal gaming community.

The Kiteworks solution has enabled the Agency to comply with applicable federal security requirements to ensure the confidentiality and integrity of sensitive information shared between tribes and the Agency.



Meet Our Team: Compliance



"I enjoy enhancing my relationships with other tribes locally and throughout Indian country, while also gaining knowledge from them. I take pride in assisting tribes by working with them to ensure they are meeting their regulatory compliance and helping protect the integrity of gaming.

I routinely conduct site visits at Indian gaming operations and with tribal gaming regulatory authorities within the assigned region to ensure compliance with the Indian Gaming Regulatory Act.

I provide training and assistance to tribal governments, tribal regulatory authorities, gaming operation personnel, and contract managers to ensure compliance with the IGRA and NIGC regulations and routinely work with other NIGC divisions to meet tribal requests."

Miranda Blakely | Compliance Officer



From left: Eddie Hall, IT Auditor , Tim Cotton, IT Audit Manager , Chairman E. Sequoyah Simermeyer at an IT Vulnerability Assessment, September 2022.

Meet Our Team: IT

"Although I've only been with the Agency for less than a year, everyone treats me like an old friend. I've served in the Army for more than 20 years, 15 of them in cybersecurity, and am currently serving part-time with the DC National Guard as a cybersecurity warrant officer.

I enjoy doing IT and do not consider it to be a job. DC-HQ is my home station, so I get to meet the Chairman, Vice Chair, and Deputy Chief of Staff. How cool is that?

My transition from the military to the NIGC IT Division created a lot of opportunities for my job, my family, and myself.

As my boss would say, 'providing IT assistance implies boots on the ground.' With that, I hope to get to know the rest of the NIGC family while I visit each region."



Christopher Richmond | Information Technology

Outreach

Connecting with Stakeholders



Committing to well-informed Indian gaming policy development through diverse relationships, accessible resources, and government-to-government consultation yielded the widest-ranging engagement around different regulatory and policy topics in over a decade.

The outreach spurred collaboration to produce secure, compliant and modern background and licensing commitments, and transformed the Agency's technical assistance and training program to engage the gaming regulatory community and tribal lawmakers in an unprecedented way.

Opportunities exist to continue modernizing outreach while maintaining the expectation for diplomacy in government-to-government consultation as well as increasing the Agency's awareness about trends and innovations which provides the ability to inform the Agency's future policy discussions and outreach.

- E. Sequoyah Simermeyer, Chairman

Promoting Services

In FY 2022, NIGC actively cultivated opportunities for virtual and in-person outreach to help ensure a trained, resilient and ready tribal regulatory workforce. Through partnerships with tribal and federal offices, social media engagement and formal consultation, the Agency demonstrated its commitment to well-informed Indian gaming policy, and helped set the conditions for future success across the industry.

Video Training Library

In FY 2022, the Training Program continued to **increase** NIGC's video training library consisting of **96** recordings, **up from 58**, to ensure stakeholders had many opportunities to attend training. The video library **continues to grow** through recording virtual training courses accessible on the [NIGC YouTube Channel](#).

Meet Our Team: Department of Public Affairs Training



Lisa Naughton
Training &
Employee
Development
Specialist

"As the Training and Employee Development Specialist, I have had the opportunity to work on some great projects for the Agency. I have worked to spearhead NIGC's on-boarding process and in doing so have been able to nail down a number of internal training opportunities enhancing the on-boarding process going forward and improving areas of internal compliance within the Agency.

It has been a great pleasure to work with NIGC's internal staff and getting to know the divisions on a different level. Within my position, I have the privilege of working with DOI Talent as the Agency's platform administrator, and worked diligently to enhance the login process, overall user experience, and training potential of the platform. I look forward to what my position can continue to add to NIGC's already impressive work environment."

Training Connection

Below, illustrates the total percentage of gaming tribes across all regions connected with NIGC training.



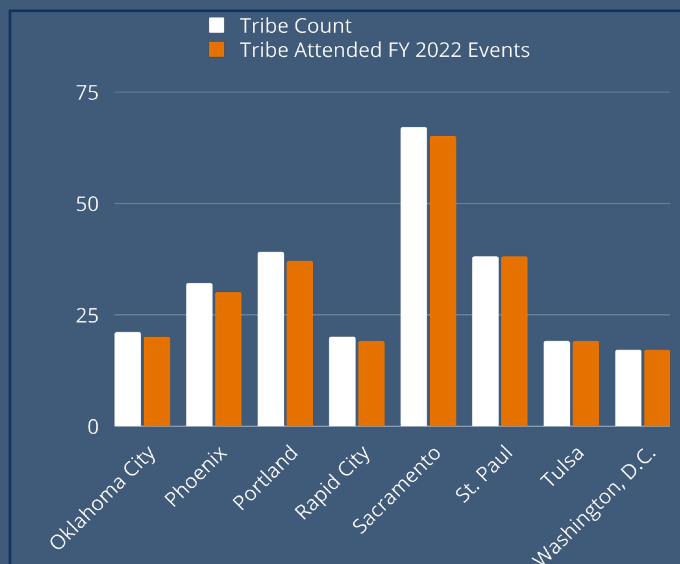
**TRAINING
CONNECTION**
to all tribes
in the regions

This percentage further demonstrates both in-person and virtual formats continue to be in demand.

NIGC provides Training Solutions that work.

Training Program Overview

Throughout FY 2022, the Training Program helped meet NIGC's strategic goals of industry integrity, preparedness and outreach by conducting 52 events (including virtual and in-person events) to reach a total training audience of nearly 24K attendees).



Public Affairs

Support through new and re-established communication

The NIGC rolled out new communications initiatives, re-established others, and continued to support multiple special emphasis causes in FY 2022.

The Chairman launched the [3 for 35 Campaign](#) early April holding multiple speaking engagements.



160
Posts



65K
Views

FY 2022 was also a year of significant growth in NIGC's social media reach.



27% Increase



17K Followers from Facebook and YouTube

The Public Affairs team continued to support many special emphasis causes, including two live **Zoom** events featuring subject matter experts discussing Human Trafficking awareness and prevention, and Missing and Murdered Indigenous Persons (MMIP).



NIGC Chairman E. Sequoyah Simermeyer presents at TribalNet Online conference and Trade show.

RESTART: Chairman's Notice Documents

In FY 2022, NIGC restarted the [Chairman's Notice](#) documents to acknowledge topics and meetings of interest to stakeholders.

Notice documents provide opportunities to read key components of the Chairman's messages, allowing stakeholders to be a part of and acquire information about outreach events.

SPOTLIGHT ON

Human Trafficking Awareness and Prevention



Since 2017, NIGC has collaborated with other federal agencies, including the DHS Blue Campaign, non-profit organizations and tribes to provide training, awareness, and resources to combat human trafficking.

In FY 2022, NIGC hosted a [two-part virtual dialogue](#) with Director Jason O'Neal, Bureau of Indian Affairs (BIA) Office of Justice Services, and Unit Chief Marcelino A. Toers Bijns, BIA Missing and Murdered Unit. NIGC also presented during the 2022 Tribal Justice, Safety and Wellness Summit hosted by the Departments of Justice (DOJ) and Interior (DOI) in June.

In response to the 2022 [White House National Action Plan to Combat Human Trafficking](#), the NIGC is continuing our work with the Department of Homeland Security, the Bureau of Indian Affairs, and the Department of Treasury.



From left, Vice Chair Jeannie Hovland and Executive Director of the Pokagon Band Gaming Commission, David Vialpando. Vialpando introduced Hovland before her Human Trafficking Awareness Training she presented for the Pokagon Band of Pottawatomis.

Legislative and Intergovernmental Affairs

During Q4 FY 2022, NIGC stood up the Legislative and Intergovernmental Affairs Program under the Division of Public Affairs. The program is led by the Legislative and Intergovernmental Affairs Specialist. The program coordinates NIGC's congressional, legislative, and intergovernmental efforts with Congress, State, and Tribal governments and assists with tribal leadership engagement, consultations, and outreach.

Tribal Consultations

The Commission initiated a three-part consultation series in FY 21 covering 16 topics, conducting Series A and B with tribes in FY 2021. NIGC continued its consultation efforts in FY 2022 with Series C, focusing on implications for technology and NIGC processes to protect tribal assets, including NIGC background investigations and the substantial violations list.

Of note, after consulting with tribes the Agency published its 2022-2026 [Strategic Plan](#), and is set to publish an updated [consultation policy](#) in early Q1 FY 2023.

As a result of this consultation cycle, the Agency also published three Final Rules in FY 2022, covering facility licensing, gaming ordinances and fee requirements for “free play.” An additional five Final Rules are set to be published in Q1 FY 2023 on reducing the number of background investigations; audit standards and requirements; Key Employee (KE) and Primary Management Official (PMO) definitions; and self-regulation of Class II gaming.

SPOTLIGHT ON Consultation - Final Rules

In FY 2022, NIGC has published the following Final Rules in the Federal Register based on input from tribes as part of NIGC’s formal consultation process:

Categories	FY 2022 Total
25 C.F.R. § 559.2(b) – Facility License Notifications and Submissions	Final Rule published 7/25/22
25 C.F.R. Part 552 – Submission of Gaming Ordinance or Resolution	Final Rule published 09/21/22
25 C.F.R. § 514.4(c) – Fees requirements regarding “Free Play”	Final Rule published 09/06/22
Paperwork Reduction Act (PRA) Submissions	5
Privacy Incidents Reported	4

OGC team members gather for a quick photo.

First row from left: Dena Wynn, Danielle Wu, Mandy Cisneros, Esther Dittler, Mike Hoenig, Sharon Avery, Jen Lawson, Lourdes Acevedo, Tarranie McCain, Rachel Hill

Back row from left: Josh Proper, Logan Takao Cooper, Austin Badger, Armando Acosta, Shakira Ferguson, Rea Cisneros, and Tim Osumi..



Office of General Counsel

The Office of General Counsel serves as the legal staff to the National Indian Gaming Commission and provides support to all Agency divisions as needed. During FY 2022, the Office of General Counsel advised the Chairman on four management contracts and 25 tribal ordinance submissions. The Office of General Counsel also advised the Commission on litigation and assisted the Department of Justice in its briefs in *Ysleta del Sur Pueblo v. Texas*, a case before the United States Supreme Court that implicated NIGC regulatory jurisdiction. The Supreme Court held oral arguments on February 22, 2022, and issued a favorable decision on June 15, 2022.

Additionally, the Office of General Counsel offered legal opinions on a variety of matters to ensure they do not implicate management or sole proprietary interest concerns and to bring stability to the tribal gaming industry. Specifically, the Office of General Counsel issued the following legal opinions: three game classifications, three Indian Lands opinions, and 57 financing or other agreements.

Matter Type	Number Reviewed
Declination letters	57
Gaming ordinances	25
Indian Lands opinions	3
Management contracts	4
Game classification opinions	4



The Office of General Counsel also assisted the Commission with its continued Consultation process.

Below are the four (4) final rules published by the Agency in FY 2022 (10/1/21–09/30/22):

1. Facility License Notifications, 87 Fed. Reg. 43489 (July 25, 2022).
2. Annual Fee Calculation, 87 Fed. Reg. 54366 (Sept. 6, 2022).
3. Audit Standards, 87 Fed. Reg. 57595 (Sept. 21, 2022).
4. Submission of Gaming Ordinance or Resolution, 87 Fed. Reg. 57590 (Sept. 21, 2022).

Left, Chairman E. Sequoyah Simermeyer and his family on Rock Your Mocs 2022. As a positive opportunity during Native American Heritage Month, participants unite and celebrate tribal individuality by wearing moccasins to honor their ancestors and indigenous peoples worldwide.

Agency Accountability

Maintaining Efficiency and Trust



Following practices and processes to uphold the public's expectations for good governance and support efficient and effective decision-making helps protect tribal assets.

The Agency implemented its first-ever complete cadre of chief officer positions with the tools to guide policy and practices across all Agency divisions and offices.

The Agency will continue to modernize and address deferred technology infrastructure to promote electronic information sharing on pace with other agencies and tribal governments.

The Agency will complete its final stages for implementing cloud-based record systems and other internal efforts to harden critical information protection and to maximize its tools for a national Agency workforce. - *E. Sequoyah Simermeyer, Chairman*

Efficient and Effective Decisions

For NIGC, accountability means meeting the tribes' and the public's expectation for administrative processes that uphold good governance practices and support efficient and effective decision-making to protect tribal assets.

As both a resilient and ready Agency, NIGC continues to manage effectively and efficiently its financial resources.

Improving effectiveness and efficiency of financial and project management are essential to delivering mission-critical activities and services on time and within budget, and a core focus of the Agency.

NIGC also maintains public trust and accountability through a diligent records privacy program and its [Freedom of Information Act \(FOIA\)](#) program.

Meet Our Team: Information Technology



Amber McDonald | CAU

"I really enjoy working within the newly formed CJIS Audit Unit (CAU) and being able to provide technical assistance and training to tribes across all regions.

It has been a great year meeting TGRAs and being a resource to them as they work to achieve and maintain compliance."

SPOTLIGHT ON NIGC FY 2022 Federal Employee Viewpoint Survey (FEVS)



The 2022 Federal Employee Viewpoint Survey (FEVS) was administered to full-time Federal employees who have been with the Agency for at least one year.

Office of Personnel Management

Federal Employee Viewpoint Survey

Overall, the [FEVS](#) showed there were areas of improvement over the 2021 FEVS, indicating the Agency is continuing to trend towards employee satisfaction.

23

Areas of Improvement

Of note, NIGC saw the biggest improvement in employee morale across the Federal government in FY 2022, increasing five points from 77 in 2021 to 83 this year.

+5

Point Increase
FY 2022

The Agency was number one in agencies with at least 100 employees who saw improvements in satisfaction compared with 2021.

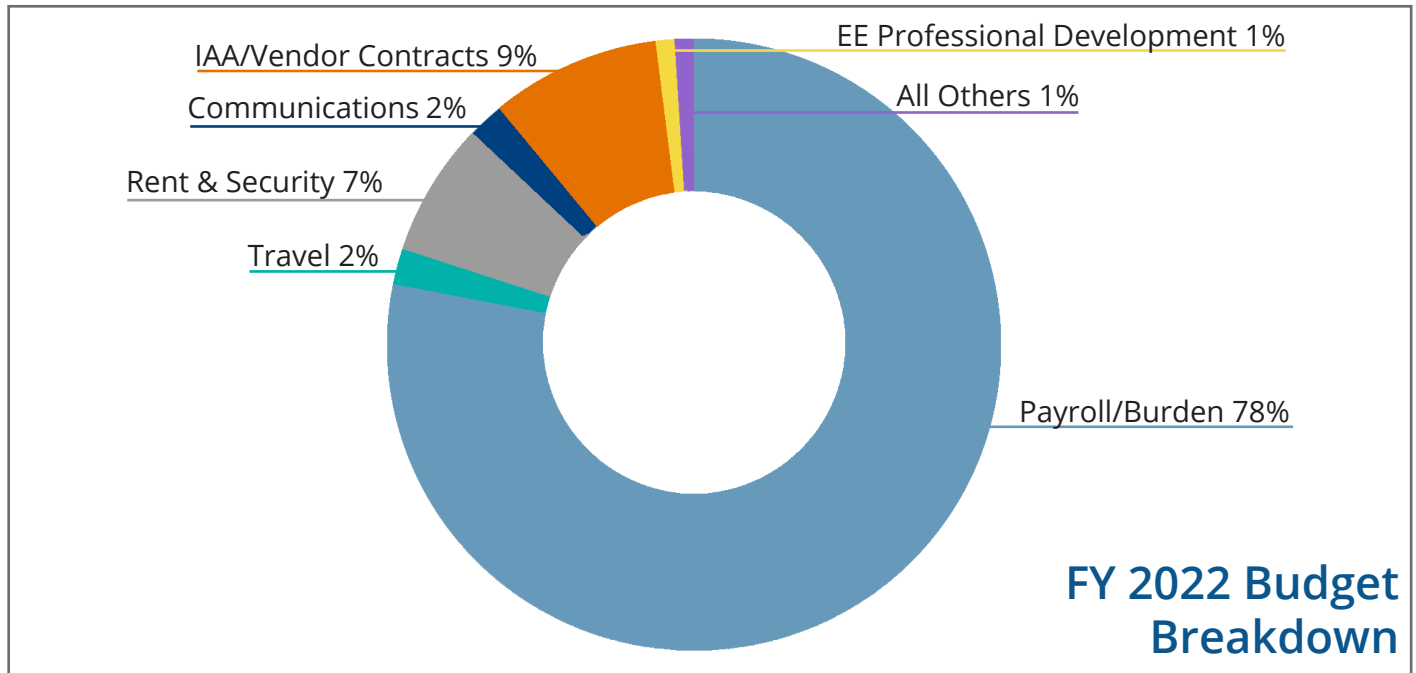
([Government Executive](#), Dec. 1, 2022)

#1

in Agencies
with at least
100 employees

Financial Management

The Commission projected its Gaming Activity Fees receipt for FY 2022 at \$21 million based on FY 2020's Gross Gaming Revenue (GGR).




NIGC's Accounting Services team partnered with offices in the Departments of Interior and Treasury to provide daily accounting support to the Agency, including financial reconciliation and audits, tribal fee payments and invoicing, travel reimbursement, and internal/external financial reporting.

In FY 2022, NIGC's Accounting Services team continued to manage the electronic fee payment system through Pay.gov to help the Agency improve its collaborative relationship with tribes and to promote efficiency of online payments. **Note:** Financial has both "Accounting Services" and "Financial Services" teams which are responsible for different tasks.

 **1600**
Fee Payments

Fee payments received and processed during FY 2022
(864 checks plus 736 Pay.gov payments).

 **1380**
Fingerprint Payments

Fingerprint payment checks received and processed during FY 2022
(1,341 checks plus 39 Pay.gov payments).

Meet Our Team: Finance



"I have worked in the NIGC Finance division for more than 10 years. I have enjoyed the great opportunity to meet wonderful people and deliver excellent services to Indian tribes."

Wei Zhong | Supervisory
Accountant

SPOTLIGHT ON

Pay.gov - Fingerprint Fees



Because the pandemic increased demand for online payment, NIGC's Division of Finance began planning in FY 2022 to move to an online fingerprint payment option for tribes using Pay.gov. The team worked diligently with the Department of the Treasury throughout FY 2022, implementing the system in April 2022. Thirty-nine fingerprint payments were received and processed through Pay.gov since implementation.



Fee Rate

In setting the annual fee to pay for NIGC operations, the Commission considers a number of factors including NIGC self-sufficiency, the importance of providing value while meeting its statutory, responsibility and the importance of the resilient economic opportunity Indian gaming represents.

These considerations became particularly important during the pandemic, when NIGC received no supplemental funding for its regulatory operations.

The Agency calculated the FY 2022 fee rate based on FY 2020 GGR, the Agency's FY 2022 budget, and the existing carry-over balance as of the end of FY 2021. The Commission set the fee rate at 0.08% for FY 2022.

Records Management

In FY 2022, NIGC strengthened its privacy program by designating the Agency's Senior Agency Official for Privacy (SAOP). Notable accomplishments for FY 2022 include the completion of the Agency's Privacy Impact Assessment (PIA), substantial updates to System of Records Notices (SORN), and the development of the Agency's Personally Identifiable Information (PII) Breach Response Plan.

Categories	FY 2022 Totals
Privacy Impact Assessment	1
System of Record Notice (SORN) Updates	4
FOIA Requests Completed	56
Paperwork Reduction Act (PRA) Submissions	5
Privacy Incidents Reported	4

ANNEX



NIGC Division of Compliance

Fiscal Year 2022 Performance

Overall Summary report from FY 2021 and 2022 indicating quantity of change.

Overall Summary	FY 2022	FY 2021	Difference
Site Visits	556	417	+ 85
Internal Audit Checklists	82	54	+ 28
Licensing Reviews	240	258	- 18
CJIS Audits	96	130	- 34
Total Licensing Submissions	266,646	236,673	+ 29,973
Open Investigations	9	6	+3
Preliminary Investigations	16	12	- 4
Closed Investigations	10	7	3
Enforcement Actions	1	0	1
Criminal Referrals	1	2	- 1
Letters of Concern Issued	22	7	15
Letters of Concern Closed	12	7	5
New Settlement Agreements	0	1	- 1
Settlement Agreements Monitored	8	7	1
Technical Assistance Events	3,987	2,387	1,600
Technical Assistance Hours	1,778	1,171	607
AUP Received and Reviewed	444	405	39
AFS Received and Reviewed	514	524	- 10
Audit Waivers Processed	1	3	- 2
Internal Control Standard (ICS) Completed	6	1	5
Internal Control Assessment (ICA) Follow Ups	7	12	- 5
Internal Audit Review (IAR)	0	2	- 2
Investigative Audit (IVA)	7	8	- 1
GAAP Audit Review (GAR)	0	1	- 1
Internal Audit Review (IAR) Follow up	0	1	- 1
GAAP Audit Review (GAR) Follow up	1	1	0

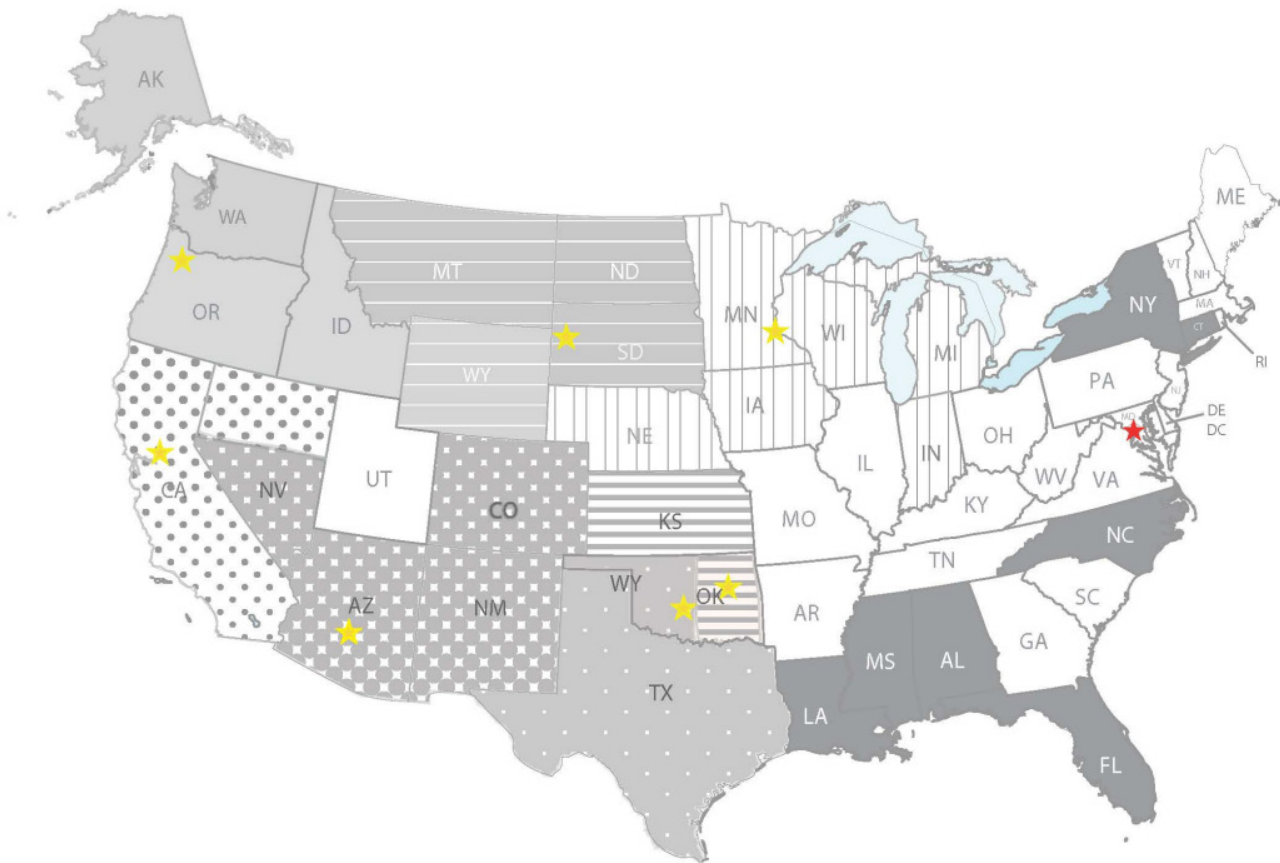
NIGC Division of Compliance Fiscal Year 2022 Performance

Letters of Concern (LOC)

During FY 2022, the Division of Compliance worked to issue 22 Letters of Concern, 11 were closed out by year-end. The table below outlines the number of LOC issued by type.

LOC Violation	# Issued
543.23(c) Internal Audits	1
556.6(b)(2); 558.3(b) Missing and Late Notice of Results (NOR)/ Issuance of License (IOL)	2
559 Late Facility License Notice	2
571.13 Failure to submit 2021 Audited Financial Statements	2
571.13 Late 2020 AFS/AUP	9
571.13 Late 2020 Reviewed Financial Statements	1
571.13 Late 2021 AFS/AUP	4
Exclusive Location and Gaming Device Agreement	1

NIGC Regional Map



SOURCE: National Indian Gaming Commission

Regional Office	Areas Served
 Portland	Alaska, Washington, Oregon and Idaho
 Sacramento	California, and northern Nevada
 Phoenix	Arizona, New Mexico, Colorado, and southern Nevada
 St. Paul	Nebraska, Minnesota, Iowa, Wisconsin, Michigan and Indiana
 Rapid City	Montana, Wyoming, North Dakota and South Dakota
 Tulsa	Kansas and eastern Oklahoma
 Oklahoma City	Texas and western Oklahoma
 Washington, DC	Louisiana, Mississippi, Alabama, Florida, North Carolina, New York and Connecticut

NIGC Division of Finance

Fiscal Year 2022 Performance

NIGC Financial Statistics

- FY 2022 approved budget = \$26.5M with 128 full-time employees and 3 fellows/interns
- FY 2022 actual expenses = \$21.4M (including \$1.4M de-ob credits from prior years/before GM/GX transfer) with 116 actual head count
- FY 2023 approved budget = \$28.8M with 134 full-time employees and 4 fellows/interns
- FY 2022 fee rate = 0.08% with total fee receipt = \$21M
- FY 2022 fingerprint processing fee = \$35 per card
- FY 2023 fee rate = 0.08%, same as FY 2022
- FY 2023 fingerprint processing fee = \$45 per card
- FY 2021 GGR = \$39B
- 510 gaming operations submitted their FY 2021 Audited Financial Statement
- 1,600 fee payments were received and processed during FY 2022 (864 checks plus 736 Pay.gov payments)
- 1,380 fingerprint payment checks were received and processed during FY 2022 (1,341 checks plus 39 Pay.gov payments)
- Received 5 new management contract/amendment submissions
- 2 management contract was approved by the Chair during FY 2022
- Received 25 background investigation applications (22 individuals plus 3 entities) in FY 2022
- Completed 15 background investigations (11 individual and 4 entities)
- Overall Financial Background Investigators' utilization rate was 52% in FY 2022

NIGC Division of Public Affairs

Fiscal Year 2022 Performance

Training Program

Highlights for the fiscal year include completing 52 training events, as detailed in the table below. Overall, the FY 2022 training plan resulted in 23,971 internal/external stakeholders having attended some form of training through the year.

Event Type	Number of Events	Number of Training Courses	Total Attendance
National Training Topic of the Month (NTTM)	10	10	4677
Site Specific Training (SST)	16	25	155
Prof Org	17	49	3535
Internal Audit Boot Camp	1	6	2578
Conference	4	33	8870
Special Emphasis	2	2	599
Security Awareness Training (SAT)*	1	1	903
Local Agency Security Officer (LASO)*	1	1	246
Videos**	N/A	96	2408
Totals	52	223	23,971

*Security awareness trainings (SAT/LASO) completed through a third-party platform

**Recorded trainings that reside on a secured YouTube platform

Region Tribe Count and Event Attendance

Region	Tribe Count	Tribe Attendance
Oklahoma City	21	20
Phoenix	32	30
Portland	39	37
Rapid City	20	19
Sacramento	67	65
St. Paul	38	38
Tulsa	19	19
Washington, D.C.	17	17

NIGC Division of Public Affairs

Fiscal Year 2022 Performance

Public Affairs Program Communications

Email Correspondence Data

- Reviewed over 110K emails from the public NIGC mailboxes to determine relevancy and authenticity
- Responded to over 200 emails and forwarded over 115 emails for Agency action and response
- FY 2022 Email distributions reached over 1.7M contacts

Media Inquiries

- Received and answered 25 media queries from national, regional, industry and Indian country media, including queries from the *Wall Street Journal*, *Fresno Bee*, and the *Charlotte Observer*.

Website (NIGC.gov)

- +700 Updates completed
- +300 Page modifications

Press Releases

- Eight press releases reaching more than 1.5K verified users, with +400K impressions (via PR Newswire)

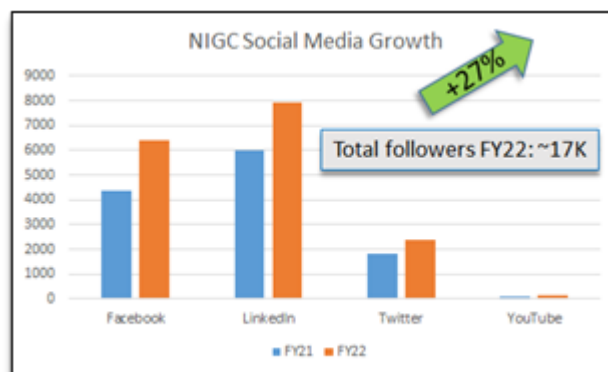
NIGC Division of Public Affairs Fiscal Year 2022 Performance

Internal Communications

Internal Intranet Growth

The Public Affairs program manages and administrates the Agency's internal intranet platform. During FY 2022, the team built out seven pages and uploaded more than 220 documents to ensure employees have access to relevant information in one easily accessible location.

Social Media



Social Media Growth

To augment NIGC's strategic goals, the Public Affairs Program leverages social media to get Agency messaging in front of the targeted audiences. This year NIGC increased its social media followers 27% to a total verified audience 16,907 subscribers.

For NIGC's primary social channels, the top three performing posts in FY 2022 from Facebook, LinkedIn, and Twitter reached 31,774 users:

- [Facebook](#)
 - Yankton NOV - 8,880 views and 884 likes
 - Compliance Officer Positions opening - 6,228 views and 257 likes
 - CAU employee promotion - 5,014 views and 490 likes
- [LinkedIn](#)
 - CAU employee promotion - 3,368 views
 - Public Affairs employee promotion - 3,103 views
 - Compliance office re-hire / promotion - 2,298 views
- [Twitter](#)
 - 3 for 35 Question- *How old is your regulatory body?* - 1329 views
 - NIGC Issues New Guidance - 992 views
 - Thank you to Sherman Indian School Director - 562 views

NIGC Division of Public Affairs

Fiscal Year 2022 Performance

Social Media – Video

- [**YouTube**](#)

NIGC videos continue to reach more viewers and provide a wider variety of content. FY 2022 was the third full year of video production, and viewership increased 10%, with a 50% increase in NIGC channel subscribers over FY 2021.

YouTube	FY 2020	FY 2021	FY 2022
Total Views	2303	4653	5153 (+10%)
Total Watch Time (Hours)	N/A	858	1078 (+10%)
Subscribers	39	103	151 (+50%)

Top 5 NIGC Videos

- FY 2021 GGR Announcement - 541 views
- NIGC Special Emphasis on Human Trafficking Event "From a Survivor's Father's Perspective" - 467 views
- NIGC Critical Events Response & Preparedness- Active Shooter / Targeted Violence Case Study - 267 views
- NIGC FY 2022 Budget Briefing Video - 202 views
- NTTM: How to Read Financial Statements - 167 views



NATIONAL INDIAN GAMING COMMISSION
Regulatory Compliance ★ Gaming Integrity