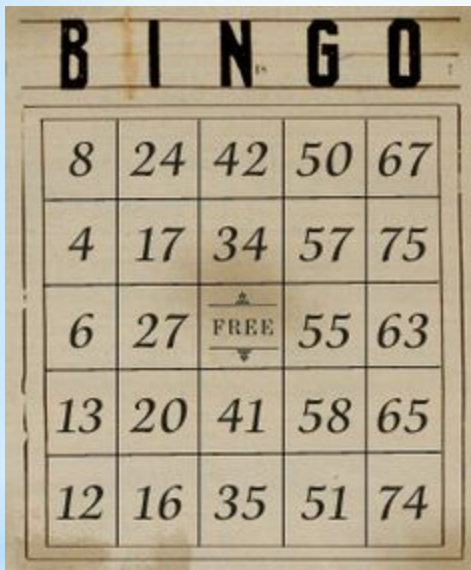




Reflecting on 30 Years of IGRA

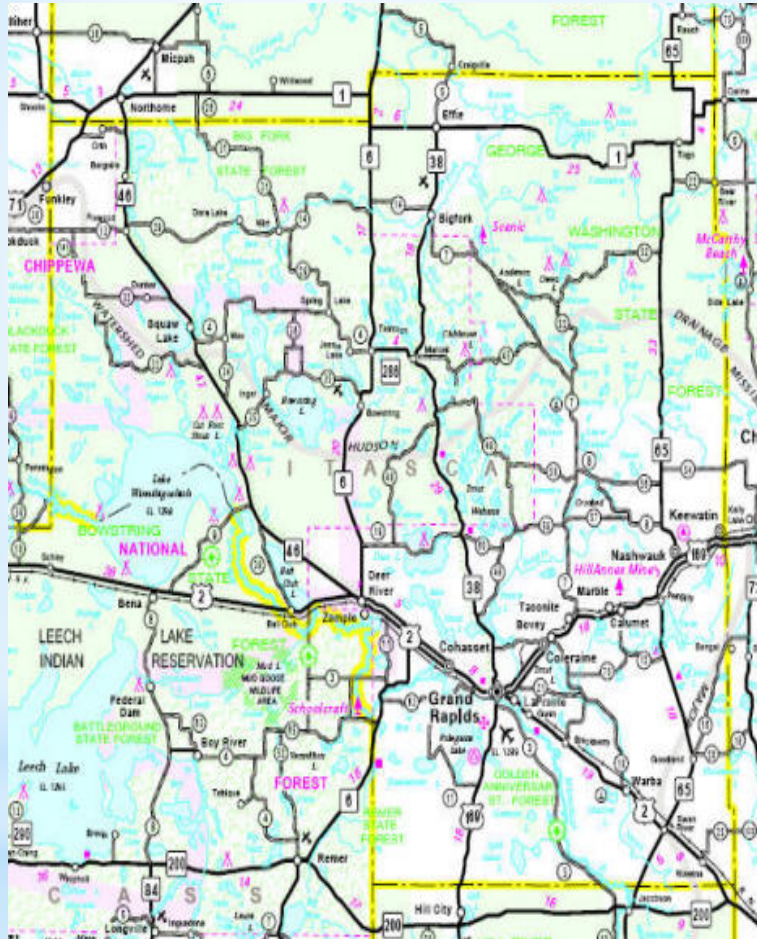
A glimpse at the history of Indian Gaming, the Indian Gaming Regulatory Act & the National Indian Gaming Commission

The late 1970s and early 1980s



Several tribes opened bingo parlors as a way to earn revenue.

1976



June 14, 1976, Bryan v. Itasca County

The U.S. Supreme Court held that a state did not have the authority to assess a tax on the property of a Native American living on tribal land absent a specific Congressional grant of authority to do so. The Court found that P.L. 280 did not give states civil regulatory control over Indian reservations.

1977-1986

July 26, 1977 - July 18, 1986, Pre-IGRA Court Decisions

U.S. v. Marcyes, 557 F.2d 1361 (9th Cir. 1977), *Oneida Tribe of Indians v. Wisconsin*, 518 F. Supp. 712 (W.D. Wis. 1981), *U. S. v. Farris*, 624 F.2d 890 (9th Cir. 1980), *U. S. v. Dakota*, 796 F.2d 186 (6th Cir. 1986)

Following *Bryan*, Federal courts looked to the criminal/prohibitory v. civil/regulatory nature of state laws to determine their force and effect in Indian country. A few tribes already offered bingo and other forms of gaming on their reservations. These gaming activities were increasingly challenged under state laws and courts came down on both sides of the issue.



1981-1982



October 5, 1981- December 20, 1982, *Seminole & Barona*
Seminole Tribe of Florida v. Butterworth, 658 F.2d 310 (5th Cir. 1981)
Barona Group of the Capitan Grande Band of Mission Indians v. Duffy, 694 F.2d 1185 (9th Cir. 1982)

The first huge wins for Indian gaming in the federal courts came in 1981 and 1982, when the 5th and 9th circuit courts of appeals ruled in favor of the right of Indian tribes to regulate gaming activities on their reservations without state control.

1983



January 6, 1983, Assimilative Crimes Act (ACA) Proposed Amendment

In 1983, in an effort to give states authority over tribal gaming activities, DOJ proposed an amendment to the ACA that would have incorporated all state laws relating to gaming. If successful, the proposal would have greatly inhibited, or possibly even prevented, tribal economic development through gaming.

To prevent the proposal from threatening Indian Gaming and longstanding principles of tribal sovereignty, the Department of the Interior coordinated with tribes to form the National Indian Gaming Task Force.



June 19, 1984, Hearing before the House Committee on Interior and Insular Affairs

In testimony before the Committee, John Fritz, the Deputy Assistant Secretary—Indian Affairs, estimated that around 80 tribes were conducting, or could be expected to conduct, bingo on their reservations. Nearly a third of these operations were deemed “high stakes,” grossing between \$100,000 to over \$1 million per month in gaming revenues.

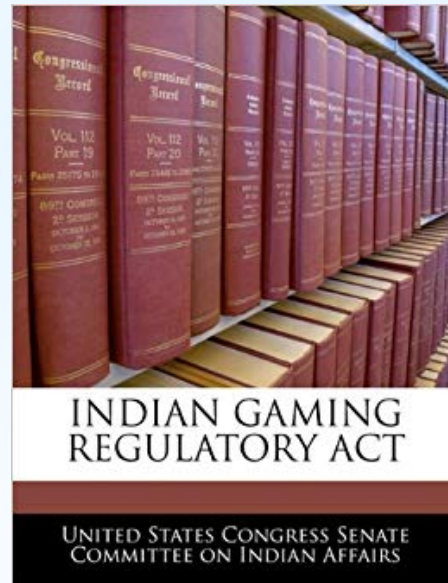
1987



February 25, 1987, *California v. Cabazon Band of Mission Indians*, 480 U.S. 202

In a landmark decision, the U.S. Supreme Court recognized the inherent sovereign authority of Indian tribes to regulate gaming within their tribal jurisdictions.

1988



October 17, 1988, Indian Gaming Regulatory Act (IGRA) and creation of the National Indian Gaming Commission (NIGC)

On the heels of the *Cabazon* decision, Congress enacted the Indian Gaming Regulatory Act.

IGRA aims to uphold tribal self-sufficiency and self-determination, promote economic development, and protect the integrity of Indian gaming to ensure that Indian tribes are the primary beneficiaries of their gaming operations.

Gross gaming revenue for Indian gaming reaches \$212 million

1990 - 1991

January 1990, Anthony J. Hope was appointed by President Bush and confirmed by the Senate to serve as the 1st NIGC Chair.

At the time, the Commission consisted of a Chairman and two staff members. The NIGC Headquarters was located at the Department of the Interior.

November 1990, Joel M. Frank was appointed by Secretary of the Interior Manuel Lujan, Jr. to serve as an NIGC Associate Commissioner.

April 1991, Jana McKeag was appointed by Secretary of the Interior Manuel Lujan, Jr. to serve as an NIGC Associate Commissioner.



Joel M. Frank
Associate Commissioner



Anthony J. Hope
Chairman



Jana McKeag
Associate Commissioner

1992



NIGC Headquarters relocated to 1850 M Street,
NW, Washington, D.C. 20036

1993



July 7, 1993, The Commission only had 19 employees, five of whom were field investigators and operated on a budget of \$3 million.

1994



Harold Monteau
Chair

October 1994, Harold Monteau was appointed by President Clinton and confirmed by the Senate to serve as NIGC Chair.

1995

The NIGC Headquarters relocated to 1441 L Street, NW, Washington, D.C. In 1995, it had 28 full time employees, with nine more added within the year.

September 1995, Tom Foley was appointed by Secretary of the Interior Bruce Babbitt to serve as an NIGC Associate Commissioner.

December 1995, Phil Hogen was appointed by Secretary of the Interior Bruce Babbitt to serve as an NIGC Associate Commissioner.

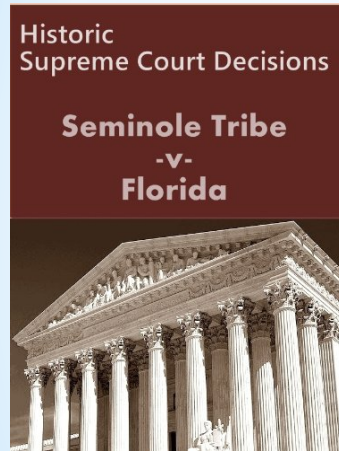


Tom Foley
Associate Commissioner



Phil Hogen
Associate Commissioner

1996



March 27, 1996, *Seminole Tribe of Florida v. Florida*, 517 U.S. 44 (1996)

U.S. Supreme Court case which upheld the sovereign immunity of states under the Eleventh Amendment. Tribes alleging bad faith compact negotiations may not sue states under IGRA without their consent.

The anticipated budget for the NIGC for Fiscal Year 1997 was \$4.22 million.

Gross gaming revenue for Indian gaming reaches \$5.5 billion

1997

January 1997 - May 1997, Ada Deer was appointed by President Clinton and served as NIGC Acting Chair.

September 1997, Tadd Johnson was appointed by President Clinton and served as NIGC Acting Chair.

In 1997, Congress amended IGRA in Public Law 105-83 to permit the NIGC to assess fees on class III tribal gaming and increased the authorization ceiling on assessments from \$1.5 million to \$8 million annually.

According to the United States General Accounting Office, there are 275 Indian gaming facilities in 28 states.



Ada Deer
Acting Chair



Tadd Johnson
Acting Chair

Gross gaming revenue for Indian gaming reaches \$6.3 billion

1998



Montie Deer
Chair

November 1998, Montie Deer was appointed by President Clinton and confirmed by the Senate to serve as NIGC Chair.

Gross gaming revenue for Indian gaming reaches \$6.7 billion

1999

June 1999, Teresa E. Poust was appointed by Secretary of the Interior Gale Norton to serve as an Associate Commissioner.

July 1999, Elizabeth Lohah Homer was appointed by Secretary of the Interior Gale Norton to serve as an Associate Commissioner.

NIGC Initiatives: (1) computer technology; (2) financial management (including standard operating procedures); and (3) records management.



Teresa E. Poust
Associate Commissioner



Elizabeth Lohah Homer
Associate Commissioner

Gross gaming revenue for Indian gaming reaches \$7.5 billion

1999

January 1999, Minimum Internal Control Standards (MICS), 25 C.F.R § 542.

These regulations were designed to protect the integrity of Indian gaming operations by setting standards for such critical areas as cash handling, gameplay, internal audits, and surveillance.



Gross gaming revenue for Indian gaming reaches \$7.5 billion

2000



There were 195 tribes operating 309 gaming operations in 28 states.

Five new field offices were opened in (1) Portland, (2) Sacramento, (3) Phoenix, (4) St. Paul, and (5) Tulsa. Each office was staffed with at least five gaming regulators and included investigators, auditors, and professionals certified in conducting background checks.

The size of the NIGC staff increased from 30 to 77 full-time positions. Two new organizational components were created: the Audit Division and the Office of Self-Regulation.

Gross gaming revenue for Indian gaming reaches \$8.5 billion

2001



November 27, 2001, *Chickasaw Nation v. U.S.*, 534 U.S. 84 (2001)

The Supreme Court held that IGRA does not exempt Indian tribes from federal taxes on gambling operations.

Self-Regulation Certificates were issued for the Menominee Tribe of Wisconsin and Grande Ronde Community of Oregon.

The Commission launched its first website.

Gross gaming revenue for Indian gaming reaches \$9.7 billion

2002

December 2002, Philip N. Hogen was appointed by President Bush and confirmed by the Senate to serve as NIGC Chair.

December 2002, Cloyce V. Choney was appointed by Secretary of the Interior Gale Norton to serve as an Associate Commissioner.

December 2002, Nelson W. Westrin was appointed by Secretary of the Interior Gale Norton to serve as an Associate Commissioner.



Philip N. Hogen
Chair



Cloyce V. Choney
Associate Commissioner



Nelson W. Westrin
Associate Commissioner

Gross gaming revenue for Indian gaming reaches \$12.8 billion

2003



Gross gaming revenue for Indian gaming reaches \$16.8 billion.

2004

June 30, 2004, NIGC formulated an Indian Gaming Working Group (IGWG)

The Indian Gaming Working Group (IGWG), consisting of the NIGC and the Federal Bureau of Investigation (FBI), worked to enhance cooperation between federal agencies, coordinate roles and functions, pool resources, and develop effective strategies to investigate and prosecute Indian gaming-related crime.



Gross gaming revenue for Indian gaming reaches \$19.5 billion

2005

Indian Gaming is conducted at over 400 locations by 225 gaming tribes.

Since IGRA's passage, 232 tribes have executed 249 Class III compacts in 29 states

78 individuals are employed by the NIGC.

Gross gaming revenue for Indian gaming reaches \$22.6 billion

2006



October 20, 2006, *Colorado River Indian Tribes v. National Indian Gaming Com’n*, 466 F.3d 134 (D.C. Cir. 2006)

In the “CRIT” decision, the D.C. Circuit found that the NIGC exceeded its statutory authority in promulgating and enforcing the MICS for Class III gaming.

2007



Norman H. DesRosiers
Associate Commissioner

January 29, 2007, Norman H. DesRosiers was appointed by the Secretary of the Interior to serve as an Associate Commissioner.

January 25, 2007, NIGC formulates the first Class II Advisory Committee

The Committee met with tribal leaders, game manufacturers, and tribal gaming regulators to hear comments regarding Class II technical standards. The Committee then developed recommendations for Class II technical regulations.

Gross gaming revenue for Indian gaming reaches \$24.9 billion

2008

January 15, 2008, NIGC and several California tribes agree on Class III MICS oversight

Due to the decision in *Colorado River Indian Tribes (CRIT) v. NIGC*, the Pala Band of Luiseno Mission Indians, Picayune Rancheria, Rumsey Indian Rancheria, Twenty Nine Palms Band of Mission Indians, and the United Auburn Indian Community each adopt gaming ordinances that require compliance with NIGC's MICS. This permits the NIGC to continue to have Class III MICS oversight with these tribes.



June 18, 2008, Gross gaming revenue for Indian gaming reaches \$26.7 billion

2008

March 3, 2008, Facility License Regulations, 25 CFR § 559

NIGC enacts regulations that require tribes to adopt and enforce standards for facility licenses. These standards help to ensure that each place, facility or location where class II or class III gaming occurs is located on Indian lands eligible for gaming. The rule also ensures that gaming facilities are constructed, maintained, and operated in a manner that adequately protects the environment and the public health and safety.

June 18, 2008, Gross gaming revenue for Indian gaming reaches \$26.7 billion

2008

September 24, 2008, Class II Minimum Internal Control (25 C.F.R. § 543) and Technical (25 C.F.R. § 547) Standards

The NIGC continues its regulatory efforts to bring greater clarity and integrity to the electronic play of Class II gaming by approving two final regulations:

- Minimum Internal Control Standards for Class II Gaming (MICS)

- Minimum Technical Standards for Class II Gaming Systems and Equipment

June 18, 2008, Gross gaming revenue for Indian gaming reaches \$26.7 billion

2009

February 24, 2009, *Carcieri v. Salazar*, 555 U.S. 379 (2009)

U.S. Supreme Court held the Secretary of the Interior could not take land into trust for the Narragansett or other tribes that were not under the jurisdiction of the federal government in 1934. The Court ruled that the phrase "now under Federal jurisdiction" in the Indian Reorganization Act (IRA) referred only to those tribes that were under federal jurisdiction when the act was passed.

April 27, 2009, 7th NIGC Regional Office to be opened in Oklahoma City

October 2009, George Skibine was appointed by President Obama and served as NIGC Acting Chair.



George Skibine
Acting Chair

2010

January 4, 2010, Steffani A. Cochran was appointed by Secretary of the Interior Ken Salazar to serve as an Associate Commissioner.

April 2010 - June 2015, Daniel Little was appointed by Secretary of the Interior Ken Salazar to serve as an Associate Commissioner.

June 30, 2010 - August 2013, Tracie M. Stevens was appointed by President Obama and confirmed by the Senate to serve as NIGC Chair.



Steffani A. Cochran
Associate Commissioner



Daniel Little
Associate Commissioner



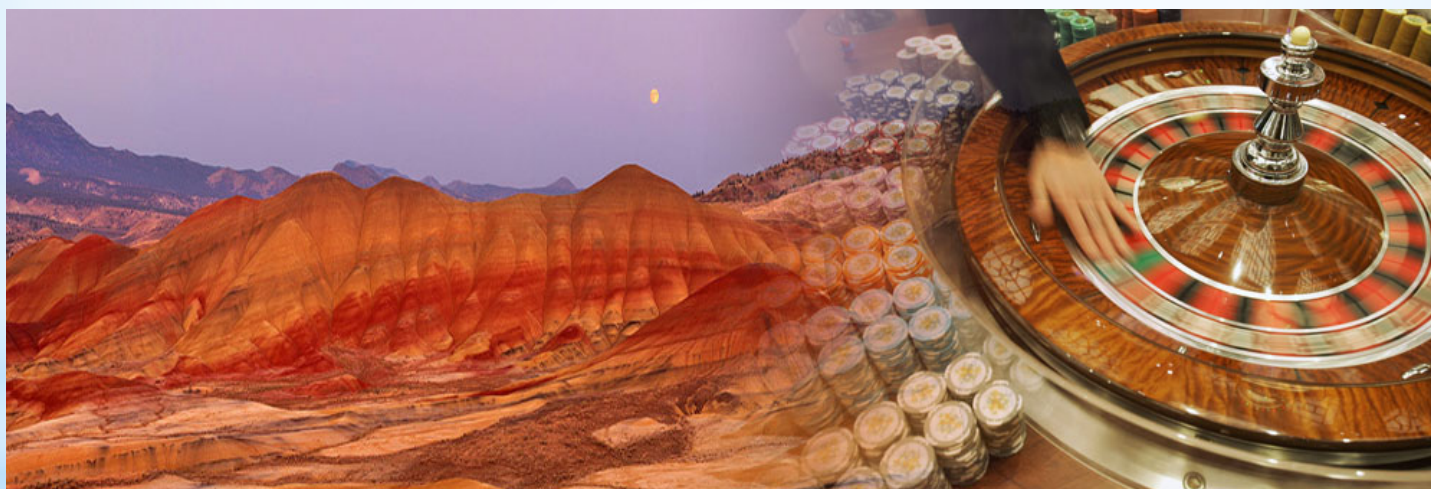
Tracie M. Stevens
Chair

June 11, 2010, Gross gaming revenue for Indian gaming reaches \$26.5 billion

2011

April 14, 2011, NIGC begins regulatory review consultation

August 10, 2011, NIGC forms a Tribal Advisory Committee to assist in the review of MICS and Technical Standards.



July 18, 2011, Gross gaming revenue for Indian gaming stable at \$26.5 billion

2012



September 21, 2012, NIGC publishes Final Rule for Class II Gaming Regulations, 25 C.F.R. §§ 543 and 547

NIGC publishes updates to its MICS and Technical Standards, two regulations crucial to safeguarding Indian gaming.

July 17, 2012, Gross gaming revenue for Indian gaming reaches \$27.2 billion

2013



Jonodev O. Chaudhuri
Chair

September 3, 2013, Jonodev Osceola Chaudhuri was appointed by Secretary of the Interior Sally Jewell to serve as an Associate Commissioner.

October 2013, President Obama designates Chaudhuri as Acting Chairman.

July 23, 2013, Gross gaming revenue for Indian gaming reaches \$27.8 billion

April 4, 2013, NIGC publishes revisions to improve the process and efficiency for tribes that wish to pursue Self-Regulation Certification (25 C.F.R § 518)

July 18, 2013, NIGC releases Five-Year Plan

NIGC released the agency's strategic plan for fiscal years 2014 - 2018. The plan included the Commission's emphasis areas of consulting and relationship building with tribal governments; providing technical assistance and training to tribal regulators and operators; and continuing its regulatory and agency operations reviews.

July 23, 2013, Gross gaming revenue for Indian gaming reaches \$27.8 billion

May 27, 2014, *Michigan v. Bay Mills Indian Community*, 572 U.S. 782

The U.S. Supreme Court examined whether tribal sovereign immunity bars a state's suit over activity that violates the IGRA but takes place off of Indian lands. In a 5-4 decision, the Court held that the State of Michigan's suit against Bay Mills was barred by tribal immunity. Congress, in enacting IGRA, only authorized states to sue tribes to "enjoin a class III gaming activity located on Indian lands" in violation of a Tribal-State compact.

October 16, 2014, Seminole Tribe of Florida becomes the 3rd Tribe to receive a Self-Regulation Certification

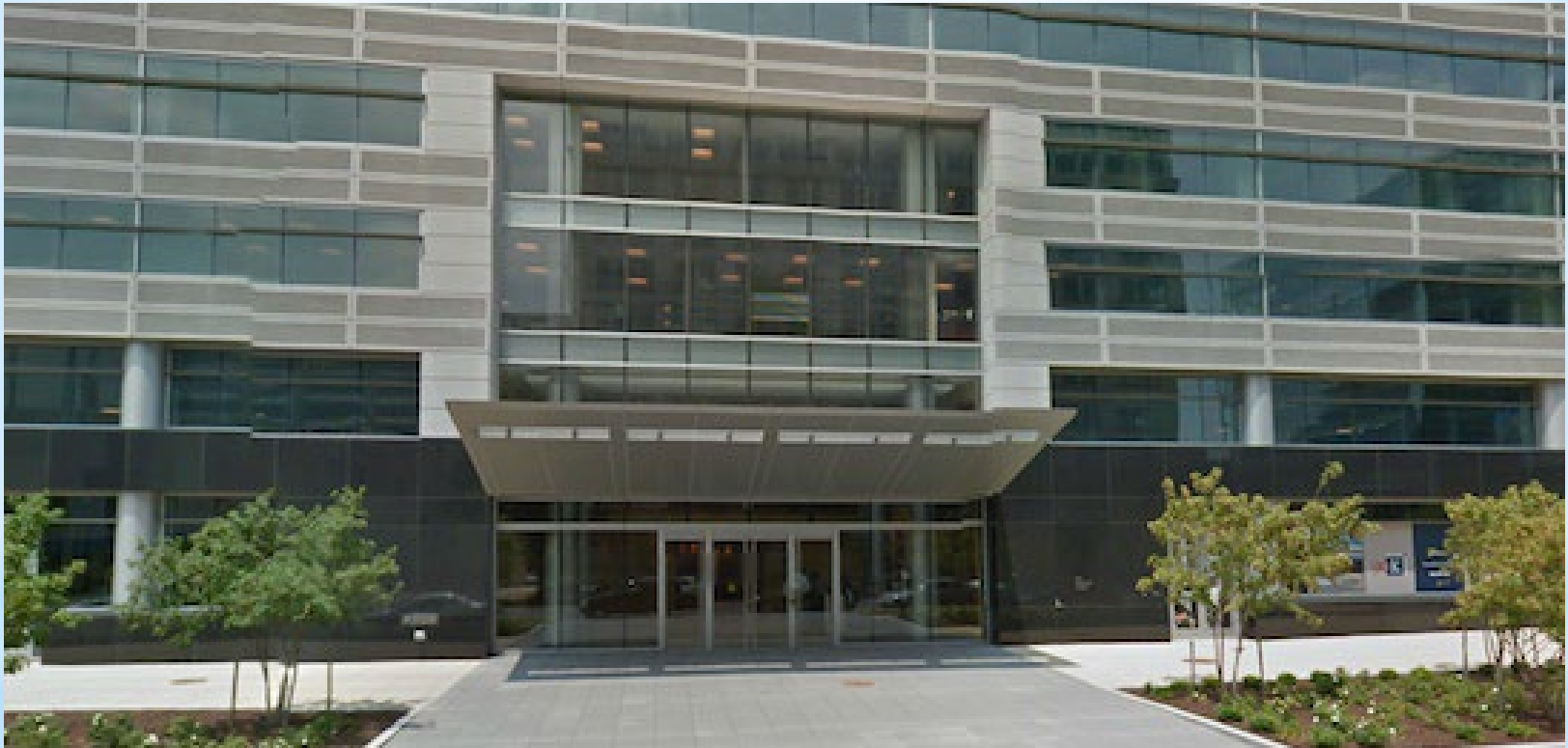
December 8, 2014, NIGC implements pay.gov for Annual Fees

The NIGC implemented an electronic payment system through Pay.gov. The system is used for the quarterly payment of annual fees and submission of associated worksheets. The system has been offered to all tribal gaming facilities.

July 21, 2014, Gross gaming revenue for Indian gaming reaches \$28 billion

2014

NIGC relocated to 90 K Street, N.E., Suite 200, Washington, D.C. 20002



July 21, 2014, Gross gaming revenue for Indian gaming reaches \$28 billion

April 16, 2015, Jonodev O. Chaudhuri is appointed by President Obama and confirmed by the Senate to serve as NIGC Chair. He reaffirms four core initiatives for the agency that he set-out as Acting Chair:

- 1.** Protecting against anything that amounts to gamesmanship on the backs of Tribes;
- 2.** Developing effective rural outreach to gaming establishments in rural areas;
- 3.** Staying ahead of the technology curve; and
- 4.** Supporting a strong workforce both within NIGC and among regulatory partners

March 6, 2015, NIGC creates the Technology Division

NIGC forms a new division focused on providing increased and integrated technology as part of the Chairman's technology initiative for enhancing its regulatory mission and supporting tribes and tribal regulators.

July 23, 2015, Gross gaming revenue for Indian gaming reaches \$28.5 billion

2015

Gaming industry spans more than 450 gaming establishments, associated with nearly 242 tribes across 28 states.

August 11, 2015, NIGC receives its first request for an IT Vulnerability Assessment.

November 5, 2015, E. Sequoyah Simermeyer is appointed by Secretary of the Interior Sally Jewell to serve as an NIGC Associate Commissioner.



E. Sequoyah Simermeyer
Associate Commissioner

July 23, 2015, Gross gaming revenue for Indian gaming reaches \$28.5 billion

2016

February 29, 2016, NIGC lowered the gaming operation fee rate. The agency bases fees on a percentage of assessable gross gaming revenues.

March 14, 2016, Kathryn Isom-Clause is appointed by Secretary of the Interior Sally Jewell to serve as an NIGC Associate Commissioner.



Kathryn Isom-Clause
Associate Commissioner

July 19, 2016, Gross gaming revenue for Indian gaming reaches \$29.9billion

November 14, 2017, NIGC issues Final Decision and Order that the Ponca Tribe of Nebraska's Land is eligible for gaming

The NIGC issued an amendment to its Final Decision and Order regarding the Gaming Ordinance of the Ponca Tribe of Nebraska. With this Decision, the Commission reaffirms that the land at issue is eligible for gaming as restored lands for a restored tribe.

December 6, 2017, NIGC Presents a Certificate of Self-Regulation to the Barona Band of Mission Indians

2017



December 27, 2017, Publication of Final Rule for Part 547

The final rule amends Part 547 to remove the sunset provision requiring systems manufactured before 2008 to either be compliant with all 547 standards or be removed from the gaming floor.

Instead, the amended rule requires an additional annual review of the 2008 systems by TGRA's and requires all modifications of Class II gaming systems to be compliant with post-2008 standards as verified by uniform independent laboratory testing and approved by the applicable TGRA.

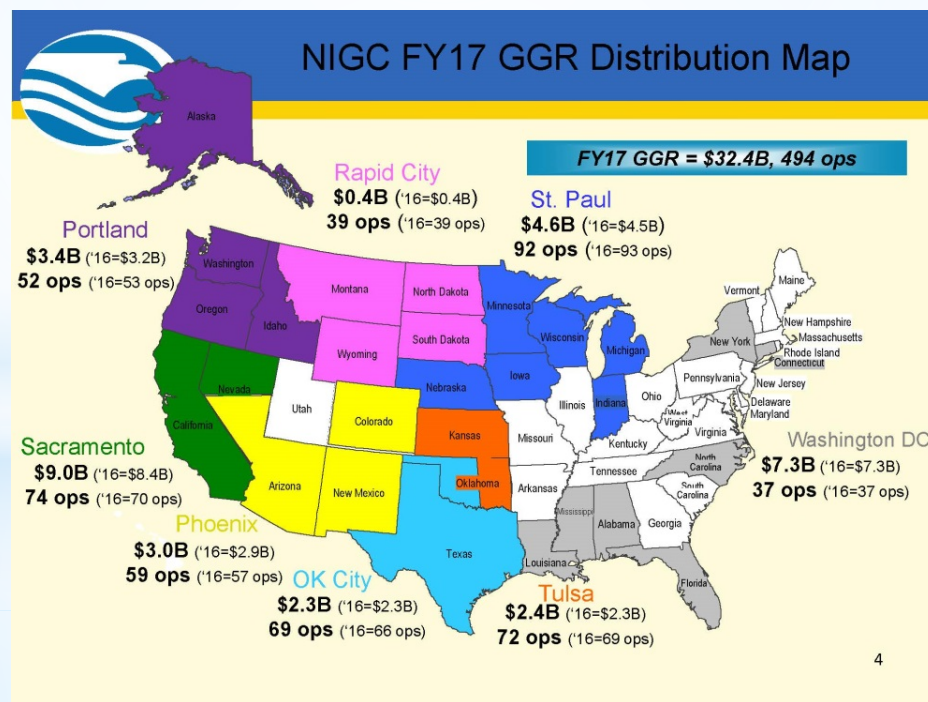
July 17, 2016, Gross gaming revenue for Indian gaming reaches \$31.2 billion

April 17, 2018, NIGC split St. Paul region to create an 8th Regional Office in Rapid City

This split aligns with goals outlined in the 2018-2022 Strategic Plan:

Goal 2, Strong Workforce - Maintain a strong workforce both within the Agency as well as with NIGC's tribal regulatory partners; and

Goal 4, Rural Outreach - Develop and execute a plan for tribes with small and rural gaming operations that reviews training, technical assistance and regulations.



2018

April 25, 2018, NIGC Chair Approved Agua Caliente's Alternate Technical Standards

The Tribe's alternate technical standards for Class II mobile gaming applies to player-owned mobile devices such as smartphones and tablets.

August 14, 2018, NIGC Issued Guidance on the Class III Minimum Internal Control Standards

This non-binding guidance provides updated standards that address today's gaming industry.

June 26, 2018, Gross gaming revenue for Indian gaming reaches \$32.4 billion