Subject: Self-Regulation and Post-Certification Compliance

The purpose of this bulletin is to provide guidance to tribes on how to comply with IGRA and NIGC regulations after it receives a self-regulation certificate. For a basic introduction to self-regulation, see Bulletin 2022-01.1

Once the Commission issues a certificate of self-regulation, a self-regulated tribe is exempt from some reporting requirements, pays lower fees on its Class II gaming revenues, and is subject to less oversight from the NIGC. Specifically, a self-regulated tribe is not required to submit the annual Agreed-Upon Procedures (AUP) report to the Commission if its certificate is in good standing.2 The NIGC may not assess a fee on a self-regulated tribe’s Class II gaming activity in excess of 0.25%.3 The NIGC may not perform site visits of Class II gaming operations or demand access to records of Class II gaming operations.4

However, self-regulated tribes are not exempt from other reporting requirements under IGRA and NIGC regulations. For example, self-regulated tribes must continue to submit annual independent audits of the gaming operations,5 quarterly fee statements,6 and background and licensing notifications for primary management officials and key employees.7 The exemption

3 25 U.S.C. § 2710(c)(5)(C); see also 25 C.F.R. § 514.3(b).
4 See 25 U.S.C. § 2710(c)(5)(A); see also 25 U.S.C. § 2706(b)(2-4). If, however, the Tribe and NIGC have executed the Memorandum of Understanding with the National Indian Gaming Commission regarding Criminal History Record Information, the Commission retains its authorities set forth in the MOU, including the authority to “audit the handling and maintenance of [CHRI] in electronic and paper recordkeeping systems to ensure that appropriate security and privacy protections are in place.”
from the Commission’s powers granted to self-regulated tribes does not affect these reporting requirements.\(^8\)

Self-regulation also requires a tribe to comply with additional reporting requirements. Specifically, self-regulated tribes must submit resumes of all tribal gaming regulatory employees hired and licensed by the tribe after a certificate was issued.\(^9\) A self-regulated tribe must also advise the Commission of any changes in circumstances that are material to the self-regulation approval criteria.\(^10\)

A self-regulated tribe may still request technical assistance and training from the NIGC.

To summarize, self-regulated tribes:

a) are not required to submit AUP reports;
b) pay lower fees on Class II revenues;
c) are not subject to NIGC site visits or requests for records regarding Class II operations;
d) must submit annual independent audits;
e) must submit quarterly fee statements;
f) must submit background and license notifications for PMOs and KEs;
g) must submit the resumes of each tribal gaming regulatory employee hired and licensed by the tribe after a certificate was issued;
h) must advise the Commission of any material change in circumstances affecting the tribe’s approval criteria; and
i) may request training and technical assistance from the NIGC.

If you have any questions self-regulation and post-certification compliance, please contact a NIGC Region Office or the Office of Self-Regulation at 202-632-7003.

---

\(^9\) 25 C.F.R. § 518.10(b).
\(^10\) 25 C.F.R. § 518.11.