



BULLETIN

No. 2022-6

October 31, 2022

Subject: NIGC Fee Rate and Fingerprint Processing Fee

This bulletin explains the National Indian Gaming Commission's (NIGC) annual fee rates. The annual fee rates are effective November 1, 2022 and will remain in effect until the Commission adopts new rates.

NIGC has adopted its annual fee rates of 0.00% for tier 1 and 0.08% (.0008) for tier 2, which remain the same as current fee rates. These rates shall apply to all assessable gross revenues from each gaming operation under the jurisdiction of the Commission. If a tribe has a certificate of self-regulation under 25 CFR part 518, the fee rate on Class II revenues shall be 0.04% (.0004), which is one-half of the annual fee rate.

Though the industry's Gross Gaming Revenues showed a significant increase in FY21 (basis for FY23's fee calculation), it is necessary for the Commission to maintain the fee rate to ensure the Agency has sufficient funding to fully meet its statutory and regulatory responsibilities as the gaming industry continues to emerge from the pandemic. Unlike other federal agencies, the NIGC does not receive Congressionally appropriated funding. Instead, the Agency receives quarterly payments from Tribes equal to one quarter of their gaming operation's reported annual fee assessment. To guarantee the Agency's continuity of operations, the Commission must maintain an adequate transition carryover balance to cover any cash flow variations resulting from the timing difference of fee receipt and operational payments. As the transition balance has gradually depleted over the past few years, it is necessary for the Commission to maintain the fee rate this year at 0.08% to ensure the continuous funding.

Fee Payments

Tribes can make quarterly payments of annual fees and submit associated worksheets through the NIGC electronic payment system on Pay.gov. Tribes interested in using Pay.gov electronic payment system should visit www.pay.gov and select the NIGC using the *Find an Agency* tab. Additionally, Tribes can visit the Commission's website at www.nigc.gov for details on how to sign into the system, information required for submission, and how to change and correct submissions. Using Pay.gov is optional and NIGC accepts paper worksheets and fee payments by check. Please provide the following identifying information: name, address, and telephone number of the gaming operation; name of licensing Tribe; and the name, telephone number, and email address of contact person, and remit quarterly fee payments to:

National Indian Gaming Commission
Attn.: Division of Finance

1849 C Street NW Mail Stop #1621
Washington, DC 20240

Pursuant to 25 C.F.R. 514.4, please be sure to use the appropriate fiscal year as the base period for determining fee payments. Please note the new regulations define the fiscal year used in calculating the annual fee so that one fee rate is applied consistently to a gaming operation's assessable gross revenues for one fiscal year.

NIGC Fingerprint Fee Rate

Pursuant to 25 C.F.R. § 514.16, the National Indian Gaming Commission has set its Fiscal Year 2023 (FY23) fingerprint processing fee at \$45 per card, which represents an increase of \$10 per card. The significant decrease in fingerprint cards submitted for processing during the pandemic necessitated the increase, as the majority of the Agency's processing overhead costs are fixed. In addition, FY23 costs reflects the Commission's continued commitment to take necessary measures to comply with the Federal Bureau of Investigation Criminal Justice Information Services (FBI CJIS) requirements. These measures are not only required, but critical to ensure the NIGC and participating tribes can continue to use the FBI criminal history report information (CHRI) to determine a key employee or primary management official's eligibility for a gaming license.

The annual fingerprint processing fee is effective November 1, 2022 and will remain in effect until the Commission adopts a new rate.

NIGC will publish the fee rate and fingerprint fees in the Federal Register and post them to the NIGC website as soon as they are available.

Should you have any questions, please contact Yvonne Lee, National Indian Gaming Commission, 1849 C Street NW, Mail Stop #1621, Washington, DC 20240; telephone (202) 632-7003; fax (202) 632-7066; email fee_questions@nigc.gov.