

A Term In Review: Reflecting on the Past, Looking Toward the Future

By Chairwoman Tracie Stevens

Over the past two and a half years, by working together, tribes and the National Indian Gaming Commission (NIGC) have furthered compliance with the Indian Gaming Regulatory Act (IGRA) and NIGC regulations throughout Indian Country by implementing the A.C.E. initiative, a three-step approach to regulation of Indian gaming.

A.C.E. stands for Assistance, Compliance, and Enforcement, in that order. The Commission believes that the NIGC's responsibility as the Federal prong of Indian gaming's three-tiered regulatory structure is, first and foremost, to assist tribes to comply with Federal regulations and maintain high levels of security and integrity within their operations. Enforcement actions, though necessary in some circumstances, can be prevented in most cases with proper assistance. Thus, the Commission is dedicated to assisting tribes to prevent problems requiring NIGC enforcement action.

One of the biggest challenges we faced at first was figuring out how to remedy problems before they became critical. To that end, we developed four priorities to implement the A.C.E. initiative: consultation and relationship building, training and technical assistance, regulatory review, and agency operations review.

Because each of us came from Indian Country, we realized from the start that an open, candid relationship between tribes and the NIGC is integral to the success of anything we would do. Therefore, we made consultation and relationship building a major priority.

In that effort, we began by asking tribes for feedback on basic issues, like how best to consult with tribes. Then, we asked tribes where we could improve our regulations from a practical standpoint in today's evolving industry. And we listened to what tribes said, and talked about what we intended to do. We wanted open communication with tribes, whether through consultation, training, technical assistance, or other forms of guidance, because without it, the A.C.E. initiative would not work.

We are still refining our consultation process to maximize tribal and Federal resources and to ensure honest, candid government-to-government communication. Most recently, we have updated our Draft Consultation Policy. The new Draft provides greater clarity and a more streamlined approach to consultation. We realize that tribes consult with many branches of the Federal government, which is taxing to tribal resources and can be a cumbersome process. We hope that our new Draft Consultation Policy helps ease those burdens on tribes. We welcome tribal comments on the Draft, which is available on our website at www.nigc.gov.

The second, but equally important, priority that supports the A.C.E. initiative is training and technical assistance. Over the past two and a half years, our training and technical assistance courses, site-specific trainings, and guidance from our regional offices have helped prevent enforcement actions. For example, the NIGC staff noticed issues regarding late audits, licensing, and fees. Instead of recommending enforcement actions,

our staff began to remind tribes in advance of approaching deadlines by sending written notices. Since then, timeliness has improved significantly. Indeed, in the past fiscal year, there were very few incidents of late audits and late fee worksheets. And in nearly all cases, after the issues were identified, the NIGC staff made efforts to reach out to the tribes, and in doing so, was able to work with the tribes to remedy the non-compliance.

We have noticed high rates of compliance across regions. We attribute this directly to increases in training and technical assistance opportunities and staff interaction with tribes. We have experienced increases in the number of training requests received by tribes and fewer critical problems. These numbers show that working along-side tribes has a direct impact on compliance, and maintains the security and integrity of Indian gaming.

The integrity of the industry does not rely only on following the rules, but also on having good, practical rules to follow. Therefore, two years ago, Commission committed to conducting a thorough regulatory review. We consulted with tribes, asked for guidance from a Tribal Advisory Committee, and dedicated significant agency resources to making sure that this industry, especially Tribal Gaming Regulatory Authorities, as the first line of defense, have the best regulations possible.

All in all, we are proud of the success of our regulatory review effort, which has resulted so far in ten final rules, one repeal, and two notices of no action. We can see the A.C.E. initiative working through our regulatory review because our regional offices have already received requests for training and technical assistance on the new and updated regulations. This is exactly the type of cooperative, collaborative relationship that we envisioned when we came together as a Commission.

As we look toward the future, we will continue to review and update our regulations where appropriate and remain committed to consultation and collaboration with tribal governments.

Finally, we looked internally at our own agency operations in an effort to improve efficiency and effectiveness from within. We conducted an agency reorganization to improve work flow, get rid of redundancies, and better manage resources. As a result, we have seen improvement in the NIGC's ability to respond to industry needs, as well as increased communication among Agency components. As we look forward, we will continue to improve the NIGC's internal operations by updating and utilizing technology, maximizing existing agreements, and meeting staffing needs. We want to make sure that the NIGC is able to serve the industry to the best of its ability.

For the past two and a half years, we have used the four priorities as guideposts to support the A.C.E. initiative. By working respectfully and openly with tribes and focusing on our four priorities, the A.C.E. initiative is working. As we move into the future, we will redouble our commitment to A.C.E. by consulting with tribes and maintaining candid, honest communication; helping tribes maintain compliance with Federal laws and regulations through training and technical assistance; revisiting our

regulations periodically to ensure that they make sense in the ever-evolving gaming industry landscape; and continuing to improve our internal operations so that we are better able to serve tribes.

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