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"Rummaging in the government's attic"

Description of document: Records describing the work of the National Indian Gaming Commission (NIGC) Technology Division, the NIGC Rural Outreach program, and the NIGC Legislative and Intergovernmental Affairs program, 2015-2016

Requested date: 21-March-2016

Released date: 19-December-2016

Posted date: 06-March-2017

Source of document: FOIA Request
FOIA Officer
National Indian Gaming Commission
1849 C Street NW
Mailstop #1621
Washington, DC 20240
Fax: (202) 632-7066

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December 19, 2016

Re: NIGC-FOIA-2016-028

This responds to your March 21, 2016 Freedom of Information Act (5 U.S.C. § 552) request to the National Indian Gaming Commission. You requested:

- 1) A copy of the job description for the NIGC Legislative and Intergovernmental Affairs Coordinator, the NIGC Rural Outreach Coordinator, the NIGC Technology Manager, and the NIGC Director of Technology;
- 2) A copy of the goals and objectives of the NIGC Legislative and Intergovernmental Affairs Coordinator, and of the NIGC Rural Outreach Coordinator;
- 3) A copy of the description of the activities, goals, objectives, responsibilities, relationships, etc. for the NIGC Technology Division; and
- 4) A copy of memos describing the need for or providing justification for the establishment of the NIGC Technology Division.

The NIGC FOIA Office conducted a search of its files and has located 19 documents (totaling 103 pages) responsive to your request. Eighteen documents (totaling 96 pages) are being released to you in full. One document (totaling 7 pages) is being released to you, in part, pursuant to Exemption Five of the FOIA. *See* 5 U.S.C. § 552(b)(5). We have enclosed a compact disc of the documents for your convenience.

Exemption Five

Exemption Five of the FOIA, 5 U.S.C. § 552(b)(5), allows for the withholding of “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” *See* 5 U.S.C. § 552(b)(5). Accordingly, Exemption Five traditionally incorporates the civil discovery

privileges: the deliberative process privilege, the attorney-client privilege, and the attorney work product privilege, among others. *U.S. v. Weber Aircraft Corp.*, 465 U.S. 792, 800 (1984). In this instance, the documents are protected from disclosure by the deliberative process privilege.

In order to qualify for the deliberative process privilege, the information must meet three requirements. First, it must be internal to the executive branch agencies. *See* 5 U.S.C. § 552(b)(5). Second, the information must be pre-decisional, meaning it was prepared prior to an agency decision. *Mapother v. Dep't of Justice*, 3 F.3d 1533, 1537 (D.C. Cir. 1993); *Schell v. HHS*, 843 F.2d 933, 941 (6th Cir. 1988). Third, it must constitute a direct part of the deliberative process by offering recommendations or expressing opinions on legal and policy matters. *Access Reports v. Dep't of Justice*, 926 F.2d 1192, 1196 (D.C. Cir. 1991). The information being withheld under this exemption protects recommendations given to the Commission on how to treat talking points associated with the NW Gaming Law Conference. Release of this information would infringe upon the NIGC's deliberative process and, accordingly, violate the interests protected by Exemption Five. *Russell v. Dep't of the Air Force*, 682 F.2d 1045, 1048 (D.C. Cir. 1982).

Fees

Please note that for fee purposes you were designated an "**all others**" requester. This designation entitles you to the first 2 hours of search time and the first 100 pages of duplication at no charge. Thereafter, you are responsible for charges of \$7.75 per quarter hour for searches and \$0.15 per page for copies. Processing costs for duplicating records by method other than copier are charged at a rate of 7.75 per quarter hour. *See* 25 C.F.R. § 517.9(b)(1)-(2), (d)(4). This release consists of 103 pages and involved 5 hours and 45 minutes of search time. The charge for 3 pages is \$0.45. The charge for 3 hours and 45 minutes of search time is \$116.25. However, pursuant to the FOIA "an agency shall not assess any search fees . . . if [it] has failed to comply with any time limit" established under the Act. 5 U.S.C. § 552(a)(4)(A)(viii)(I). As such, you are not required to pay any search fees with respect to this request. Additionally, because the cost for duplication did not exceed \$15.00, you are not required to pay any duplication fees. 25 C.F.R. § 517.9(d)(4). Accordingly, you are not being charged any fees with regard to this request.

As this completes the processing of this request, the NIGC now considers your request closed. Pursuant to 25 C.F.R. § 517.8, you may challenge the NIGC FOIA Office's determination by submitting a written appeal to the National Indian Gaming Commission, C/O Department of the Interior, 1849 C Street N.W., Mail Stop #1621, Washington, D.C., 20240 no later than ninety (90) days after the date of this letter. 5 U.S.C. § 552 (a)(6)(A)(i)(III)(aa). Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." The written submission should include copies of the original request, the denial, and a brief statement of the reasons you believe the denial to have been in error. *See* 25 C.F.R. § 517.8(c).

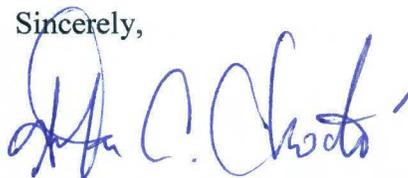
Please be advised that you have the right to seek dispute resolution services from the NIGC's FOIA Public Liaison or the Office of Government Information Services (OGIS). If you wish to employ the services of the NIGC's FOIA Public Liaison, please contact Jo-Ann Shyloski by telephone at (202) 632-7003 or through e-mail at

Jo-Ann_Shyloski@nigc.gov. If you would prefer to contact OGIS, you may do so in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1 (877) 684-6448

If you have any questions, please feel free to contact me at (202) 632-7003 or through email at AnDrea_Choate@nigc.gov.

Sincerely,



AnDrea C. Choate'
FOIA/PA and Records Management Assistant

Enclosure

National Indian Gaming Commission
Position Description For
Special Projects Coordinator
AD-0301-00, #15-0018
(GS-13 equivalent)

Major Duties

Incumbent serves as Special Projects Coordinator and provides assistance to the Commission by coordinating tasks and projects assigned by the Commission. This position reports to the Chief of Staff (or his/her designee).

- Incumbent undertakes complex special projects in support of the Commission, as directed.
- Incumbent assembles and coordinates materials and reports for use by the Commission and informs the Commission on subjects or facts required for consideration of specific tribal issues.
- Incumbent provides rural outreach to Tribal representatives, including Tribal gaming regulators, to carry out the mission of the agency.
- Incumbent works with NIGC's regions and headquarters to carry out rural outreach.
- Incumbent performs research in carrying out a variety of special projects.
- Incumbent performs other duties as assigned.

Factor 1. Knowledge and Skills Required by the Position

- Knowledge of Commission mission, goals, policies, objectives, organizational structure, and Commission authority and responsibilities.
- Expertise in interpreting various rules, regulations, and procedures in both oral and written communications.
- Knowledge of Indian affairs, tribal government structures, and principles of tribal sovereignty.
- Ability to identify, evaluate, and analyze issues impacting tribes and Indian gaming.
- Expert ability to conduct research and develop information necessary to assist Commission in decision-making tasks. This may require coordination and consultation with individuals both within and outside the NIGC staff.
- Ability to organize information and material so as to prepare comprehensive briefings and presentations to the Commission or to others on behalf of the Commission.
- Knowledge of the Indian Gaming Regulatory Act of 1988, NIGC regulations, the Freedom of Information Act, the Privacy Act, and other laws and regulations pertinent to Indian gaming and properly and effectively managing a federal agency.
- Knowledge a wide range of civil rights laws, rules, executive orders, and regulations to perform duties related to the special emphasis program duties.
- Knowledge of the principles of writing and composition and ability to produce polished written work.
- Working familiarity with common use technology and software.

Factor 2. Supervisory Controls

- The Chief of Staff (or his/her designee) works with the incumbent to provide a framework of priorities, overall objectives, a mutually agreed upon project plan, and suitable deadlines for

assigned projects. Within these parameters, the incumbent carries out assigned projects. When any potentially controversial or precedent setting issues arise, the incumbent brings these issues to the Chief of Staff (or his/her designee).

- Incumbent performs work in compliance with NIGC policies and procedures.
- Completed work is reviewed by the supervisor for compatibility with organizational goals and effectiveness in reaching the intended results.

Factor 3. Guidelines

- Incumbent performs work to conform to provisions of IGRA, NIGC regulations, and further defined by the policies and procedures set forth by the Commission.
- Incumbent exercises good judgment when applying established or newly developed guidelines relating to his/her assignment.
- Within the context of broad regulatory guidelines the employee may need to refine or develop more specific guidelines as assignments and specific work situations require.

Factor 4. Complexity

- The work consists of projects and studies which require analysis of interrelated issues of effectiveness, efficiency, and productivity of substantive mission-oriented programs.
- Work is complex, requiring sophisticated composition and organizational skills. Incumbent must be able to identify and resolve obstacles to implementation of Commission policies and goals.
- Incumbent must have an overall understanding of the structure and operation of the Commission and its mission policies and procedures.
- The duties of the position may require incumbent to perform extensive fact-finding and analysis before solutions are identified.

Factor 5. Scope and Effect

- The purpose of the work is to assess the productivity, effectiveness, and efficiency of program operations or to analyze and resolve problems in the staffing, effectiveness and efficiency of certain administrative support and staff activities.
- Work involves assisting in planning, developing, and carrying out essential Commission mission-related projects and/or special events.
- Work contributes to the improvement of productivity, effectiveness, and efficiency in program operations and/or administrative support activities throughout the Commission.
- The incumbent's work affects the plans, goals, and effectiveness of staff involved with mission critical assignments Commission-wide.

Factor 6. Personal Contacts

- Within the Commission, Incumbent will report to the Chief of Staff, and provide reports to the NIGC Chair and the Commissioners.
- Incumbent will be in regular contact with the agency's regional staff and headquarters.
- As directed, Incumbent may be in regular contact with tribal leadership, tribal gaming commissioners, national and regional organizations serving tribal governments, tribal members and the general public.

Factor 7. Purpose of Personal Contacts

- To participate in discussions, conferences, presentations involving critical issues in which the participants may have valuable input or information required to carry out the special project demands. These contacts may be in the form of Commission meetings or by telephone, and may be in unstructured settings.

Factor 8. Physical Demands

- The work is primarily sedentary.
- Duties may include extensive travel that may involve long cross-country flights, many hours of driving in sometimes adverse weather conditions, prolonged sitting, and repetitious motor activity and eye-strain associated with computer operation.

Factor 9. Work Environment

- The work is normally performed in a typical office setting. No special physical demands are required.
- Due to possible extensive travel required, the incumbent needs to take extra precautions to ensure proper diet, rest, and exercise, are acquired. The collateral risks and discomforts associated with travel and computer work are unavoidable.

National Indian Gaming Commission

Talking Points for Chairman Chaudhuri

Updated 6/26/2015

Who we are and what we do

- Independent federal regulatory agency
- We have a shared goal of strengthening the regulatory structure.
- Work hand-in-hand, with the primary regulators of Indian gaming.
- Under this Administration, we have had a renewed commitment to consultation, training and technical assistance and we remain committed to working with the over 5,000 tribal regulatory partners to ensure compliance and a level playing field in Indian gaming.

5 Priorities

1. Active performance of regulatory duties
2. Engaging in ongoing meaningful tribal consultation
3. Staying ahead of the technology curve
4. Supporting a strong workforce both in-house and among our regulatory partners
5. Strengthening dialogue and relationships with all relevant stakeholders

4 Guiding Principles

1. Act within appropriate agency authority to address and mitigate activity that jeopardizes the integrity of Indian gaming and, by extension, the valuable self-determination tool that it represents
2. Swiftly act on anything that jeopardizes the health and safety of the public at gaming establishments, including employees and patrons
3. Engage in sound regulation without unnecessarily stymieing lawful economic development activities
4. Protect against anything that amounts to gamesmanship on the backs of tribes.

Commissioner Search

- Down to one Commissioner of a total of 3.
- Dept. of Interior selects the 2 commissioners through Secretarial appointments.
- This is not an NIGC selection; it is an appointment by the Secretary of Interior.

- The Dept. is actively engaged in the search for two quality candidates, among the dozen of resumes received and names submitted.
- I'm committed to working with whoever is chosen.

A.C.E Initiative (Assistance, Compliance, and when necessary, Enforcement)

- Ask for showing of hands on A.C.E.
- Through training and technical assistance we work to achieve compliance.
- Enforcement may be necessary and always remains a tool.
- Field staff are available to answer questions and provide assistance.
- It's important to get to know each other.
- I always take the opportunity to introduce members of the team.
- **NIGC Staff: *Sharron O'Loughlin***, our new Chief of Staff. Deputy Chief of Staff ***Christinia Thomas***, our General Counsel ***Eric Shepard***, ***Mike Odle*** our Director of Public Affairs and our new Legislative & Intergovernmental Affairs Coordinator ***Sarah Crawford***.
- I know it takes time to introduce everyone, but everyone is committed to being of service to Indian country and the industry and it's important to know them on a first name basis.

Specific NIGC Updates

Government Accountability Office report

- Recently published a report on the regulation of Indian gaming titled "***Indian Gaming: Regulation and oversight by the Federal Government, States, and Tribes.***"
- We welcomed the GAO report and appreciate it recognizes the significant regulatory relationships between the NIGC, tribes and states.
- Yet another tool for the Commission to assess its performance in the regulation of Indian gaming.
- Commission has put in place many of the recommendations made by GAO.
- In many cases, our efforts in exceed the report's recommandations.
- Hoped the GAO would have commented on our activities regarding tribal consultation and our push on technology.
- New position: ***Legislative & Intergovernmental Affairs Coordinator***

Voluntary Compliance

- Some have coined the phrase “voluntary compliance” to explain tribal compliance efforts.
- The concept of voluntary compliance does not mean that tribal gaming operations are left alone to comply with the IGRA.
- It is the goal of the IGRA that tribes will assert their self-determination, develop regulatory capabilities and hire strong regulators, so gaming operations will comply with tribal laws, and federal law and regulations.
- If tribal gaming operations do not comply, the NIGC has the necessary enforcement tools available to compel compliance with the IGRA.

Training & Technical Assistance

- Making tweaks to do things even better.
 - Provide up-to-date and meaningful information in our training curriculum.
 - Reach as many people as practically possible.
- Over the last 2 years we have trained more regulatory partners than we’ve ever trained as an agency and we are on pace to do that again.
- We craft specific trainings for each region and upon request for tribes and tribal regulators.
- These are free trainings to hone skills.
- At the request of a tribe, we provide a free *Internal Control Assessment (ICA)* to evaluate any risks in an operation and provide written recommendations to address those risks.
- We are offering *IT Vulnerability Assessments* at a tribe’s request, free of charge, to conduct IT threat assessments and provide a report and recommendations.
- We believe working on the front end avoids problems on the back end.

Technology

- We as an agency have to stay on the cutting edge of technology
- Elevated the role of technology and created the *Division of Technology*.
- *Technology Director* that can lend their voice to the leadership team.
- Help develop a unified, consisted approach towards technology.

Consultations

- Consultations help guide our agency decisions.
- We strive to conduct formal consultation and collaborative dialogue with tribes and tribal regulators.
- Last year we engaged in formal consultations that helped to shape key policy decisions we made as an agency.
- From those consultations last year we recognized
 - 1) Importance of technology, creation of the Division of Technology.
 - 2) Input on whether NEPA should apply to our management agreements.
- We listened and because of your comments we proposed a streamlined process to comply with NEPA.
- In addition to our consultations, being in the field and conducting site visits and being readily available, is very important to facilitating multi-directional communication.
- This round of consultations, we consulted on:
 - 1) NEPA Categorical Exclusion (CE)
 - 2) straight forward updating of Privacy Act deadlines and rules
 - 3) Issuing non-mandatory guidance on Class III MICS
 - 4) Buy Indian Goods and Services (BIGS)

Reminders

- Stop by and say hi at the NCAI Market Place, **booth #46.**
 - Pick-up your FREE 543 Quick Reference Guide, IT Security Toolkit and our 2015 Training Catalog
- Get information directly from us: Follow us on Twitter and Like us on Facebook

In Closing

- We can go farther walking together than any of us can go it alone.
- We want to walk that walk with you.
- Thank you for what you do and many thanks for having us here.

Who we are and what we do

- Independent federal regulatory agency
- We have a shared goal of strengthening the regulatory structure.
- Work hand-in-hand, with the primary regulators of Indian gaming.
- Under this Administration, we have had a renewed commitment to consultation, training and technical assistance and we remain committed to working with the over 5,000 tribal regulatory partners to ensure compliance, and a level playing field in Indian gaming.
- We will use all tools available, including enforcement when necessary to support our tribal regulators

5 Priorities

1. Active performance of regulatory duties
2. Engaging in ongoing meaningful tribal consultation
3. Staying ahead of the technology curve
4. Supporting a strong workforce both in-house and among our regulatory partners
5. Strengthening dialogue and relationships with all relevant stakeholders

4 Guiding Principles

1. Act within appropriate agency authority to address and mitigate activity that jeopardizes the integrity of Indian gaming and, by extension, the valuable self-determination tool that it represents
2. Swiftly act on anything that jeopardizes the health and safety of the public at gaming establishments, including employees and patrons
3. Engage in sound regulation without unnecessarily stymieing the entrepreneurial spirit of tribes
4. Protect against anything that amounts to gamesmanship on the backs of tribes.

Commissioner Search

- Down to one Commissioner of a total of 3.
- Dept. of Interior selects the 2 commissioners through Secretarial appointments.
- This is not an NIGC selection; it is an appointment by the Secretary of Interior.
- The Dept. is actively engaged in the search for two quality candidates, among the dozen of resumes received and names submitted.
- Although it is vitally important to have a full Commission, the NIGC, through its Chairman and staff, is able to perform day-to-day regulatory functions to ensure that tribal gaming is conducted in compliance with IGRA and NIGC regulations.
- If the agency is without at least one Associate Commissioner, some of our functions would be impacted, because there are certain powers that only the full Commission may exercise.
- However, the lack of a full Commission does not impact our ability to issue enforcement actions, such as closure orders.
- I'm committed to working with whoever is chosen.

Introduction of Staff

- Our field staff is available to answer questions and provide assistance.
- It's important to get to know each other.
- I always take the opportunity to introduce members of the team.
- **NIGC Staff:** *Shannon O'Loughlin*, our Chief of Staff
- Director of Public Affairs: *Mike Odle*

- From our office of General Counsel: *Heather Nakai, Kathy Zebell and Rea Cisneros*.
- From headquarters in DC Fingerprint Administrator *Deborah Norton* and from our Sacramento Regional Office *Francisco Hernandez*.

Staff announcements

- I want to briefly make two staff announcements.
- First, long-time attorney and previous Associate General Counsel Michael Hoenig has been named as our General Counsel and Travis Waldo has been named as our Acting Direct of Technology.

Technology Division

- Back in March we announced the new Division of Technology with a focus on increased and integrated technology for enhancing our regulatory mission and supporting Tribes and tribal regulators.
- Since that time we've implemented Pay.gov for paying fees, utilized streaming video technology and introduced our new IT Vulnerability Assessments, which I'll discuss in a bit, all with an eye towards mission deliver and supporting tribal regulators.
- Appointing Travis is one more step towards our goal here at the Commission.

New Website

- Just in time for G2E in Las Vegas, we will be unavailing our new website.
- I really think you are going to like the look and the feel and more importantly how easy it is to find the information you need.

- There will be many new features on our website including an enhanced search engine, a news subscription service to stay up-to-date with all of the happenings and we have integrated our social media into the site.
- Speaking of which, if you want to get information first, make sure you follow us on Twitter and Like us on Facebook for all kinds of announcements, tips and regulatory information!
- Our social media followers will be the first to know when our site goes live!

Specific NIGC Updates

Training & Technical Assistance

- Making tweaks to do things even better.
 - Provide up-to-date and meaningful information in our training curriculum.
 - Reach as many people as practically possible.
- Over the last 2 years we have trained more regulatory partners than we've ever trained as an agency and we are on pace to do that again.
- We craft specific trainings for each region and upon request for tribes and tribal regulators.
- These are free trainings to hone skills.
- At the request of a tribe, we provide a free *Internal Control Assessment (ICA)* to evaluate any risks in an operation and provide written recommendations to address those risks.

- We are now offering an *IT Vulnerability Assessments* at a tribe's request, free of charge, to conduct IT threat assessments and provide a report and recommendations.
- On August 11 the Mono Wind Casino operated by the Big Sandy Rancheria of Mono Indians of California was the first casino to have an ITVA.
- Gaming Commission Director Jason Andrews said it was an “excellent opportunity” for the casino and that the ITVA would help “enhance security and reduce threats to [their] gaming network.”
- We have several other facilities already scheduled for their ITVA.
- We are still staffing up the Division of Technology and we may not be able to immediately accommodate all of the requests.
- However, if this is something you are interested in pursuing, I encourage you to contact our Compliance Division to discuss the program and availability.
- We believe working on the front end avoids problems on the back end.

In Closing

- We are pleased with the strides we have made embracing technology as a core function of the NIGC. The new ITVAs is a prime example.
- We can go farther walking together than any of us can go it alone and our training and technical services are free resource for you all.
- We want to walk that walk with you.
- Many thanks for having us here and thank you for what you do to ensure the integrity of the \$28.5 billion Indian gaming industry.

I encourage you to visit the NIGC **booth #513** on the exhibit floor and pick-up a FREE NIGC flash drive full of helpful reference materials, tips and information, including an IT Threats and Security Response Toolkit.

Introduction of Staff

- I always take the opportunity to introduce members of the team.
- It's important to get to know each other.
- Our field staff is available to answer questions and provide assistance.
- **NIGC Staff:**
 - Our General Counsel *Michael Hoenig*, and staff attorney *Rea Cisneros*
 - Director of Public Affairs *Mike Odle* and communication specialist *Mark Gaston*
 - Our Sacramento Regional Office Region Director *Lance Vallo* and *Sally Virag*

Administration/NIGC Priorities

- Under this Administration, we have had a renewed commitment to consultation, training and technical assistance and we remain committed to working with the over 5,000 tribal regulatory partners to ensure compliance, and a level playing field in Indian gaming.
- We have a shared goal of strengthening the regulatory structure, working hand-in-hand, with the primary regulators of Indian gaming.
- In various settings I have repeatedly laid out my 5 priorities and 4 principles that I believe are well targeted to ensure the sound regulation of Indian gaming.

- These priorities and principles are the basis for how we as a Commission approach our role as regulators.
- Since my time at the NIGC I have been guided by the priorities and principles in my efforts to faithfully implement IGRA.

5 Priorities

1. Active performance of regulatory duties
2. Engaging in ongoing meaningful tribal consultation
3. Staying ahead of the technology curve
4. Supporting a strong workforce both in-house and among our regulatory partners
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4 Guiding Principles

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2. Swiftly act on anything that jeopardizes the health and safety of the public at gaming establishments, including employees and patrons
3. Engage in sound regulation without unnecessarily stymieing the entrepreneurial spirit of tribes
4. Protect against anything that amounts to gamesmanship on the backs of tribes.

Gamesmanship

- I'd like to take a few moments to specifically talk about my fourth principle, "Protect against anything that amounts to gamesmanship on the backs of tribes."
- What is gamesmanship? Generally defined, it is the art or practice of winning games by questionable expedients without actually violating the rules.
- In other words, it's the use of ethically dubious methods for gain.
- Now gamesmanship in Indian Gaming occurs when non-tribal-governmental interests manipulate business, professional and employment relationships associated with Indian gaming operations to further their own interests or agendas at the expense of the tribal gaming operation and, therefore, the tribe.
- Gamesmanship often results in the third party, or parties, violating IGRA, NIGC regulations, or the tribal gaming ordinance.
- These violations often include managing an Indian gaming operation without an approved management contract, misuse of gaming revenue, a violation of the sole proprietary interest requirement, or all of the above.
- Such gamesmanship is even more egregious when the parties engaging in said gamesmanship have undue influence over the tribal decision making process, as can be the case when the gamesmanship is facilitated by trusted tribal advisors.
- As the Chair of the NIGC, it is our priority to protect against anything that amounts to gamesmanship on the backs of tribes.
- And I need your help. Together, we can guarantee the statutory requirement of IGRA to ensure Tribes are the primary beneficiaries of their gaming revenue.

Commissioner Search

- In early October Secretary of Interior Sally Jewell announced Sequoyah Simermeyer (Coharie) as Associate Commissioner at the NIGC.
- Pending the results of a 30-day comment period and consideration of public comment, we look forward to Sequoyah joining us at team NIGC sometime in November.
- Sequoyah is currently the Deputy Chief of Staff to the Assistant Secretary for Indian Affairs. He also recently completed a one-year assignment with the U.S. Senate Committee on Indian Affairs.
- This will leave one vacancy on the Commission.
- This is not an NIGC selection; it is an appointment by the Secretary of Interior.
- The Dept. is actively engaged in the search for another quality candidate, among the dozen of resumes received and names submitted.
- I'm committed to working with whoever is chosen.

Staff announcements

- I want to briefly make three staff announcements.
 - First, long-time attorney and previous Associate General Counsel Michael Hoenig has been named as our General Counsel.
 - Prior to joining the NIGC, Michael served as Counsel to Chickasaw Nation Ambassador Charles Blackwell and as Counsel to the Native Affairs Economic Development Group.

- Travis Waldo has been named as our Acting Director of Technology.
 - Travis' nearly 20 years of experience in Information Technology, law enforcement and audits lends valuable knowledge and insight to the Division of Technology.
- Finally, we have been fortunate to have Mike Odle serving as our Director of Public Affairs the last 3 years. Mike will be leaving us in mid-November and joining the Dept. of Veterans Affairs.
 - Mike and his team revamped the agency's website, began our foray into social media and conducted our first streaming press conference.
- We are looking for another outgoing, dynamic self-starter to assume leadership of the public and congressional affairs program. A joint vacancy announcement will soon be out. I encourage anyone interested to apply.

Technology Division

- Back in March we announced the Division of Technology with a focus on increased and integrated technology for enhancing our regulatory mission and supporting Tribes and tribal regulators.
- Since that time we've implemented Pay.gov for paying fees, utilized streaming video technology and introduced our new IT Vulnerability Assessments and launched our new website, all with an eye towards mission deliver and supporting tribal regulators.
- Appointing Travis is one more step towards our goal here at the Commission.

New Website

- How many people have seen our new website? Show of hands?
- I encourage you to explore our new site.
- Just in time for G2E in Las Vegas, we unveiled our new website.
- I really think you are going to like the look and the feel and more importantly how easy it is to find the information you need.
- There are many new features on our website including an enhanced search engine, a news subscription service to stay up-to-date with all of the happenings and we have integrated our social media into the site.
- Speaking of which, if you want to get information first, make sure you follow us on *Twitter* and Like us on *Facebook* for all kinds of announcements, tips and regulatory information!

Specific NIGC Updates

Training & Technical Assistance

- **Training:** This year we tripped last year's number of training events and trained more than 3,250 regulatory partners representing a historic 90% of gaming tribes.
 - Conducted over 400 site visits in 2015
 - All-time record 975 training events a 67% increase in 2015
- These are free trainings to hone skills.

- At the request of a tribe, we provide now provide free *Internal Control Assessment (ICA)* to evaluate any risks in an operation and provide written recommendations to address those risks.
 - The ICA can also be tailored to meet the needs of an individual tribe or tribal regulator to examine a single gaming activity such as Bingo, Table Games, Gaming Machines, among others.
 - The NIGC’s ICA provides a level of assurance commensurate with industry standards.
- We are also offering an *IT Vulnerability Assessments* at a tribe’s request, free of charge, to conduct IT threat assessments and provide a report and recommendations.
 - On August 11 the Mono Wind Casino operated by the Big Sandy Rancheria of Mono Indians of California was the first casino to have an ITVA.
 - Gaming Commission Director Jason Andrews said it was an “excellent opportunity” for the casino and that the ITVA would help “enhance security and reduce threats to [their] gaming network.”
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In Closing

- We are pleased with the strides we have made embracing technology as a core function of the NIGC. The new ITVA is a prime example.
- We can go farther walking together than any of us can go it alone and our training and technical services are free resource for you all.
- We want to walk that walk with you.
- Many thanks for having us here and thank you for what you do to ensure the integrity of the \$28.5 billion Indian gaming industry.

Simermeyer

- It is with great pleasure that I introduce you to our newest Associate Commissioner Sequoyah Simermeyer.
- Sequoyah was sworn in as Associate Commissioner by Interior Secretary Jewel Monday.
- Sequoyah brings extensive Indian policy background to the Commission
- Prior to joining the NIGC, Simermeyer was the deputy chief of staff to the assistant secretary for Indian affairs at Interior.
- This will leaves just one vacancy on the Commission.
- This is not an NIGC selection; it is an additional appointment by the Secretary of Interior.
- The Dept. continues to actively engage in the search for another quality candidate, among the dozen of resumes received and names submitted.

Introduction of Staff

- I always take the opportunity to introduce members of the team.
- It's important to get to know each other.
- Our field staff is available to answer questions and provide assistance.
- **NIGC Staff:** Chief of Staff *Shannon O'Loughlin* and Associate general Counsel *John Hay*.

Administration/NIGC Priorities

- Under this Administration, we have had a renewed commitment to consultation, training and technical assistance and we remain committed to working with the over 5,000 tribal regulatory partners to ensure compliance, and a level playing field in Indian gaming.
- We have a shared goal of strengthening the regulatory structure, working hand-in-hand, with the primary regulators of Indian gaming.
- In various settings I have repeatedly laid out my 5 priorities and 4 principles that I believe are well targeted to ensure the sound regulation of Indian gaming.
- These priorities and principles are the basis for how we as a Commission approach our role as regulators.
- Since my time at the NIGC I have been guided by the priorities and principles in my efforts to faithfully implement IGRA.

5 Priorities

1. Active performance of regulatory duties
2. Engaging in ongoing meaningful tribal consultation
3. Staying ahead of the technology curve
4. Supporting a strong workforce both in-house and among our regulatory partners
5. Strengthening dialogue and relationships with all relevant stakeholders

4 Guiding Principles

1. Act within appropriate agency authority to address and mitigate activity that jeopardizes the integrity of Indian gaming and, by extension, the valuable self-determination tool that it represents
2. Swiftly act on anything that jeopardizes the health and safety of the public at gaming establishments, including employees and patrons
3. Engage in sound regulation without unnecessarily stymieing the entrepreneurial spirit of tribes
4. Protect against anything that amounts to gamesmanship on the backs of tribes.

Gamesmanship

- I'd like to take a few moments to specifically talk about my fourth principle, "Protect against anything that amounts to gamesmanship on the backs of tribes."
- What is gamesmanship? Generally defined, it is the art or practice of winning games by questionable expedients without actually violating the rules.
- In other words, it's the use of ethically dubious methods for gain.
- Now gamesmanship in Indian Gaming occurs when non-tribal-governmental interests manipulate business, professional and employment relationships associated with Indian gaming operations to further their own interests or agendas at the expense of the tribal gaming operation and, therefore, the tribe.
- Gamesmanship often results in the third party, or parties, violating IGRA, NIGC regulations, or the tribal gaming ordinance.

- These violations often include managing an Indian gaming operation without an approved management contract, misuse of gaming revenue, a violation of the sole proprietary interest requirement, or all of the above.
- Such gamesmanship is even more egregious when the parties engaging in said gamesmanship have undue influence over the tribal decision making process, as can be the case when the gamesmanship is facilitated by trusted tribal advisors.
- As the Chair of the NIGC, it is our priority to protect against anything that amounts to gamesmanship on the backs of tribes.
- And I need your help. Together, we can guarantee the statutory requirement of IGRA to ensure Tribes are the primary beneficiaries of their gaming revenue.

Technology Division

- Back in March we announced the Division of Technology with a focus on increased and integrated technology for enhancing our regulatory mission and supporting Tribes and tribal regulators.
- Since that time we've implemented Pay.gov for paying fees, utilized streaming video technology and introduced our new IT Vulnerability Assessments and launched our new website, all with an eye towards mission deliver and supporting tribal regulators.
- Appointing Travis is one more step towards our goal here at the Commission.

New Website

- How many people have seen our new website? Show of hands?
- I encourage you to explore our new site.
- Just in time for G2E in Las Vegas, we unveiled our new website.
- I really think you are going to like the look and the feel and more importantly how easy it is to find the information you need.
- There are many new features on our website including an enhanced search engine, a news subscription service to stay up-to-date with all of the happenings and we have integrated our social media into the site.
- Speaking of which, if you want to get information first, make sure you follow us on *Twitter* and Like us on *Facebook* for all kinds of announcements, tips and regulatory information!

Specific NIGC Updates

Training & Technical Assistance

- **Training:** This year we tripped last year's number of training events and trained more than 3,250 regulatory partners representing a historic 90% of gaming tribes.
 - Conducted over 400 site visits in 2015
 - All-time record 975 training events a 67% increase in 2015
- These are free trainings to hone skills.
- At the request of a tribe, we provide now provide free *Internal Control Assessment (ICA)* to evaluate any risks in an operation and provide written recommendations to address those risks.

- The ICA can also be tailored to meet the needs of an individual tribe or tribal regulator to examine a single gaming activity such as Bingo, Table Games, Gaming Machines, among others.
- The NIGC's ICA provides a level of assurance commensurate with industry standards.
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 - Gaming Commission Director Jason Andrews said it was an "excellent opportunity" for the casino and that the ITVA would help "enhance security and reduce threats to [their] gaming network."
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- We are still staffing up the Division of Technology and we may not be able to immediately accommodate all of the requests.
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National Indian Gaming Commission

Talking Points for Shannon O’Loughlin

Updated 7/24/2015

Who we are and what we do

- Independent federal regulatory agency
- We have a shared goal of strengthening the regulatory structure.
- Work hand-in-hand, with the primary regulators of Indian gaming.
- Under this Administration, we have had a renewed commitment to consultation, training and technical assistance and we remain committed to working with the over 5,000 tribal regulatory partners to ensure compliance and a level playing field in Indian gaming.

5 Priorities

1. Active performance of regulatory duties
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3. Engage in sound regulation without unnecessarily stymieing lawful economic development activities
4. Protect against anything that amounts to gamesmanship on the backs of tribes.

Commissioner Search

- Down to one Commissioner of a total of 3.
- Dept. of Interior selects the 2 commissioners through Secretarial appointments.
- This is not an NIGC selection; it is an appointment by the Secretary of Interior.

- The Dept. is actively engaged in the search for two quality candidates, among the dozen of resumes received and names submitted.
- I'm committed to working with whoever is chosen.

A.C.E Initiative (Assistance, Compliance, and when necessary, Enforcement)

- Ask for showing of hands on A.C.E.
- Through training and technical assistance we work to achieve compliance.
- Enforcement may be necessary and always remains a tool.
- Field staff are available to answer questions and provide assistance.
- It's important to get to know each other.
- I always take the opportunity to introduce members of the team.
- **NIGC Staff: *Sharron O'Loughlin***, our new Chief of Staff. Deputy Chief of Staff ***Christinia Thomas***, our General Counsel ***Eric Shepard***, ***Mike Odle*** our Director of Public Affairs and our new Legislative & Intergovernmental Affairs Coordinator ***Sarah Crawford***.
- I know it takes time to introduce everyone, but everyone is committed to being of service to Indian country and the industry and it's important to know them on a first name basis.

Specific NIGC Updates

Government Accountability Office report

- Recently published a report on the regulation of Indian gaming titled "***Indian Gaming: Regulation and oversight by the Federal Government, States, and Tribes.***"
- We welcomed the GAO report and appreciate it recognizes the significant regulatory relationships between the NIGC, tribes and states.
- Yet another tool for the Commission to assess its performance in the regulation of Indian gaming.
- Commission has put in place many of the recommendations made by GAO.
- In many cases, our efforts in exceed the report's recommandations.
- Hoped the GAO would have commented on our activities regarding tribal consultation and our push on technology.
- New position: ***Legislative & Intergovernmental Affairs Coordinator***

Voluntary Compliance

- Some have coined the phrase “voluntary compliance” to explain tribal compliance efforts.
- The concept of voluntary compliance does not mean that tribal gaming operations are left alone to comply with the IGRA.
- It is the goal of the IGRA that tribes will assert their self-determination, develop regulatory capabilities and hire strong regulators, so gaming operations will comply with tribal laws, and federal law and regulations.
- If tribal gaming operations do not comply, the NIGC has the necessary enforcement tools available to compel compliance with the IGRA.

Training & Technical Assistance

- Making tweaks to do things even better.
 - Provide up-to-date and meaningful information in our training curriculum.
 - Reach as many people as practically possible.
- Over the last 2 years we have trained more regulatory partners than we’ve ever trained as an agency and we are on pace to do that again.
- We craft specific trainings for each region and upon request for tribes and tribal regulators.
- These are free trainings to hone skills.
- At the request of a tribe, we provide a free *Internal Control Assessment (ICA)* to evaluate any risks in an operation and provide written recommendations to address those risks.
- We are offering *IT Vulnerability Assessments* at a tribe’s request, free of charge, to conduct IT threat assessments and provide a report and recommendations.
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Technology

- We as an agency have to stay on the cutting edge of technology
- Elevated the role of technology and created the *Division of Technology*.
- *Technology Director* that can lend their voice to the leadership team.
- Help develop a unified, consisted approach towards technology.

Consultations

- Consultations help guide our agency decisions.
- We strive to conduct formal consultation and collaborative dialogue with tribes and tribal regulators.
- Last year we engaged in formal consultations that helped to shape key policy decisions we made as an agency.
- From those consultations last year we recognized
 - 1) Importance of technology, creation of the Division of Technology.
 - 2) Input on whether NEPA should apply to our management agreements.
- We listened and because of your comments we proposed a streamlined process to comply with NEPA.
- In addition to our consultations, being in the field and conducting site visits and being readily available, is very important to facilitating multi-directional communication.
- This round of consultations, we consulted on:
 - 1) NEPA Categorical Exclusion (CE)
 - 2) straight forward updating of Privacy Act deadlines and rules
 - 3) Issuing non-mandatory guidance on Class III MICS
 - 4) Buy Indian Goods and Services (BIGS)

Reminders

- Stop by and say hi at the NCAI Market Place, **booth #46.**
 - Pick-up your FREE 543 Quick Reference Guide, IT Security Toolkit and our 2015 Training Catalog
- Get information directly from us: Follow us on Twitter and Like us on Facebook

In Closing

- We can go farther walking together than any of us can go it alone.
- We want to walk that walk with you.
- Thank you for what you do and many thanks for having us here.

REMARKS: Solid operations, strong tribal management, and effective regulation

D.C. Regional Training

Seneca Nation of New York

Seneca Allegany Casino

August 3, 2016

Hello and good morning. It's a pleasure to be back in Salamanca, New York and here at the Seneca Allegany Casino. First a special thanks to the Seneca Nation of New York and the Seneca Nation Tribal Gaming Authority for hosting this training event and having us here today. Next, I would like to thank all of you for participating in this training.

Over the next two days you will hear from NIGC staff and other federal partners on numerous critical regulatory functions, including Class II gaming systems, internal controls, audits, casino threats and commission duties and responsibilities, among many other subjects.

Why is this all important? Because stability of this industry comes from solid operations, strong tribal management, and effective regulation by the regulatory community; this includes all of you!

Just last week the NIGC Chairman Jonodev Chaudhuri announced the 2014 Gross Gaming Revenues of \$28.5 billion dollars. How does the industry achieve this milestone; this fifth year of consecutive growth?

With all of you—effective regulation by the regulatory community is an essential pillar of support for the critical avenue of self-sufficiency and self-determination that Indian gaming has proven for so many tribal nations. By doing what you do, day-in and day-out, you preserve public confidence, protect tribal assets, and promote a safe and fair environment for all people who interact with Indian gaming.

I believe that regulation has played a key role in the stability of the Indian gaming industry. Additionally, solid operations and strong tribal management is also key in the stability of Indian gaming and more specifically each operation. By completing professional development such as NIGC's training and technical assistance, over time you and your staff become experts in your field. This provides providing consistency and predictability, a requirement for any financial market.

In my role, I am focused on building on our commitment to sound regulation by making improvements where appropriate, while not discarding things that work. In terms of things that work, I believe the bedrock of our success is, and must continue to be, our training and technical assistance that to provide you, the day-to-day regulators of the industry.

This course is designed to provide you with new tools and skills and to refresh what you already know. I encourage each one of you to be open and honest in your end of course feedback, so we may better improve our products and services.

Thank you for your time. Enjoy the course. It's a pleasure to be here.

National Indian Gaming Commission
Position Description For
Supervisory IT Specialist, AD-2210 (PD# 15-0012)
Director of Technology
(This position is equivalent to the GS-15 level)

Introduction

This position provides leadership, supervision, and direction to Division of Technology activities with specific responsibility for developing and implementing the strategic direction of all information processing and communication systems and operations for the agency. This includes providing advice and direction relevant to technology systems that supports the integrity of tribal gaming. The position reports directly to the Office of the Chief of Staff.

Major Duties

The National Indian Gaming Commission Director of Technology shall perform duties as assigned and delegated from the Office of the Chief of Staff or the Chair. This position requires experience in Information Technology, Indian Affairs, regulatory policy and/or gaming, and previous management and/or supervisory experience. The Director develops, through consultation with the leadership of the agency, the strategic direction of all information processing and communication systems and operations for the agency. The Director further develops, through consultation with agency leadership and tribal gaming stakeholders, the strategic direction for technology training and technical assistance provided to tribal gaming representatives in the field. The Director also provides advice and direction relevant to technology systems that supports the integrity of tribal gaming.

The Director of Technology serves as senior expert and consultant to top agency management officials. The Director of Technology provides expert technical advice, guidance, and recommendations to management and other technical specialists on all IT issues. The Director develops and interprets policies, procedures, and strategies governing the planning and delivery of services throughout the agency to support short and long range agency goals, objectives and plans; develops guidelines for implementing broad agency-wide directives; makes decisions or recommendations that significantly influence important agency IT policies or programs; aligns agency internal business practices with government-wide regulations and policy; and ensures the integration of IT programs and services.

The Director provides overall management and definition for all computer and communication activities within the agency and is responsible for providing a leadership role in the day-to-day operations of the Information Technology functions. The Director shall have supervisory responsibility for NIGC's Technology Division and its staff, and shall be responsible for ensuring that this program supports and furthers the goals of the agency. The Director establishes work priorities within the Technology Division.

The Director exercises delegated supervisory authority in the establishment and issuance of technical and administrative guidance. The Director of Technology provides policy direction, leadership and oversight of functional activities of IT which include: computer-based systems, including complex server environments, networked personal computers and work stations; telecommunications, including voice, data, teleconferencing, document transmission, and other information management systems.

The Director is responsible for promoting effective IT operations by implementing budget-linked planning and performance based management; for establishing clear accountability for the IT responsibilities, providing greater coordination among, and ensuring greater visibility of IT activities; for determining whether proposed new systems should be performed in-house, by another agency, or by the private sector; for facilitating the development, implementation, and maintenance of a sound and integrated IT architecture; for ensuring that the agency is in compliance with all security-related laws, regulations, policies and procedures; and for promoting effective design and operation of all of the agency's IT processes.

The Director shall be in charge of setting performance standards, reviewing employee work, and assuring equity of employee reviews. The Director will determine training needs and arrange for necessary training of Technology Division staff. The Director approves expenses for training, overtime, travel, and awards within his or her delegated authority.

The Director makes decisions on personnel actions for recruitment, reassignment, promotion, reclassification, and other actions involving the agency. The Director makes recommendations in the hiring of Technology Division positions. The Director hears and develops resolutions for grievances and serious disciplinary measures. The Director shall actively support special programs such as EEO, safety, internal controls, and human capital initiatives.

The Director shares the duties and responsibilities for Information Technology throughout the agency and the implementation of the Paperwork Reduction Act, Clinger-Cohen Act, the Government Paperwork Elimination Act, the Federal Information Security Management Act, the Federal Records Act, the Freedom of Information Act, the E-government Act, and the Privacy Act.

Specific Duties

1. Provides leadership and guidance for the Division of Technology. Manages and maintains awareness and current status of the IT initiatives, priorities, projects, and emerging technological solutions to meet agency needs. Ensures that the Division of Technology policy and direction are in concert with, and supportive of, the agency's mission and priorities. Advances the agency's mission and operations by assisting senior leadership in recognizing where IT can add value while transforming or supporting program operations.
2. Guides the development for IT functions. Ensures integration of long-range plans with the agency's planning, programming, budgeting, and management processes. Advises senior leadership to ensure that the agency's IT needs are addressed, to market innovative uses of technology, and to facilitate the agency's access to needed information resources. Stimulates the use of innovative IT solutions by shaping strategic objectives during the program planning and resource acquisition/allocation processes, by participating in the program systems planning process as an agent for change, and by producing a supporting strategic information resources plan which is fully integrated into the agency's strategic plan.
3. Promotes the effective and efficient design and operation of major information resources management processes, and collaborates with the senior leadership to ensure that information systems effectively provide financial and performance data. Provides guidance for, and participates in the development of, departmental policy for acquiring and operating automatic data processing equipment, software, and services, and for managing information. Facilitates

the acquisition of information resources in a way that maximizes the value and limits the risks of investments.

4. Ensures the agency is in compliance with IMP Circular A-130 Computer Security Act of 1987, the agency's IT Security Plan, and other security-related laws, regulations, policies and procedures. This includes responsibility for a comprehensive IT security program, including the technical architecture and operations to be successfully employed. The IT security program responsibilities include: security policies, standards, architecture, practices and procedures compliant with all applicable policies, rules, regulations and laws; ongoing testing and accreditation of security practices and systems; administration and support for operational security systems; independent assurance of program-wide compliance; security monitoring and response and support for specialized IT security training programs. Ensures reporting of security program performance, cost tracking, and periodic status presentations to senior leadership.
5. Keeps abreast of, and communicates to senior leadership as appropriate, developments in technology, legislation, and management policy concerning IT functions. Maintains contact with manufacturers, professional groups, and user groups to ensure that the agency has knowledge of efficient, economical information handling capabilities.
6. Leads the agency in implementing and managing information resources more effectively, by advocating the principles of effective systems acquisition and ensuring more cost-efficient and effective use of IT resources, by advocating cross-organizational program process improvements, by ensuring program processes are modified to take full advantage of IT solutions, and by promoting standard-based IT architecture.
7. Provides guidance, direction, and coordination in developing appropriate standards governing the agency's IT functions. Approves standards and directs the evaluation of IT functions throughout the agency to ensure that standards are uniformly applied and enforced.
8. For each major information system investment, conducts periodic project assessments to determine progress toward completion and realization of benefits. The Director directs the establishment, monitoring, and evaluation of IT performance, in support of program accomplishments. Advises senior leadership on whether an IT program should be continued, modified, or terminated.
9. As requested, reviews, evaluates, and monitors the application of IT management functions throughout the department and recommends corrective action as necessary to correct deficiencies. Provides input on the performance of all IT staff and other officials with IT responsibilities.
10. Provides oversight, and promotes the use of innovative technologies, to ensure that information and records are secure, properly managed, and readily accessible.

The Director of Technology shall be assigned by the Chair and the Office of the Chief of Staff to perform any or all of the following duties:

- Establish work priorities within Technology Division
- Coordinate Technology Division policy with other divisions within the agency

- May attend meetings, as directed by the Chair or the Office of the Chief of Staff, with agency leadership to advise them on pending Technology Division matters
- Prepare and submit reports and summaries of the Technology Division to the Office of the Chief of Staff
- Provide training and technical assistance to tribal gaming representatives and assist staff with the development of training and technical assistance to tribal gaming representatives
- Conduct staff meetings and provide reports to the Office of the Chief of Staff in order to keep the agency abreast of any new or pending developments in Technology
- Assess operational shortfalls, identifying opportunities for improvement, initiating technology exploration, and evaluating processes and technologies that may have the potential to improve the effectiveness of the mission of the organization
- Maintain and exhibit knowledge, insight, and understanding of the assigned specialized segment of agency's Technology Division, monitoring legislative and regulatory developments and rulemaking that impacts agency decisions; develop and utilize databases and technological tools; anticipate trends and practices in the gaming industry; develop novel and non-traditional pro-active approaches; foster productive work relationships with all organizations within the gaming industry; and engage in public outreach and representational opportunities to showcase the goals and strategic vision of the agency
- Develop or oversee the development of policies and procedures relative to the responsibilities; operations and procedures of the Technology Division. Direct efforts focusing on continual review and assessment of new and emerging technology, information and processes that may be applied to improve decision-making at all levels.

Education Requirements

The Director of Technology is preferred to possess a BS/BA in Computer Science, Information Systems, or related field(s) from an accredited college or university. This position requires a minimum of one year (at the GS-14 or equivalent level) of experience in directly related IT work, however at least five years of related IT experience as well as experience in Gaming Information Systems is preferred.

Factor 1. Knowledge Required by the Position

(1-9, 1850 pts)

Mastery of IT theories, principles, concepts, standards, and practices sufficient to:

- Advise other IT experts throughout the agency or in other agencies on a variety of situations and issues that involve applying or adapting new theories, concepts, principles, standards, methods, or practices, that are developed by the employee or result from the employee's leadership; and
- Serve as senior expert and consultant to top agency management officials to advise on integrating IT programs with other programs of equivalent scope and complexity.

Additionally:

- Expert level knowledge and the ability to enforce the Indian Gaming Regulatory Act of 1988, the Freedom of Information Act, the Privacy Act and other laws pertinent to tribal gaming
- Comprehensive knowledge of provisions of the agency's regulations, bulletins and other agency documents that pertain to tribal gaming

- Knowledge and understanding of the agency’s organizational structure, the authority, and responsibilities of the Chair, Associate Commissioners, and other organizational components of the agency
- Thorough understanding of the agency’s policy and regulatory role with respect to tribal gaming
- Broad knowledge of the responsibilities of Indian nation and tribal governments and tribal gaming commissions as they relate to gaming operations conducted on Indian lands
- Professional knowledge of the principles of tribal sovereignty and self-determination, the responsibilities of Indian nation and tribal governments and tribal gaming commissions as they relate to gaming operations conducted on Indian lands
- Extensive knowledge and awareness of the roles played by federal, state, tribal and local law enforcement agencies in regulating, enforcing laws, and prosecuting matters pertaining to tribal gaming
- Knowledge of various sources of information necessary for the agency to carry out its statutory role in regulating tribal gaming and to make other decisions that impact tribal gaming operations
- Detailed knowledge of various types of gaming encountered in tribal gaming operations and the skill and ability to distinguish between class I, II, and III gaming as defined in the IGRA and the agency’s regulations
- Comprehension and ability to execute the principals of supervision and management
- Mastery of IT security design, operations, encryption, information access, and authentication processes
- Mastery of enterprise architecture including system software, network, and technical architectures needed to plan and evolve the enterprise technical environment
- Expert level knowledge of and acumen in the employment of information technology, including knowledge of logical and physical data architectures, network communications, nodes, operating systems, applications, data base servers, application servers, web servers, middleware, and telecommunications

Factor 2. Supervisory Controls

(2-5, 650 pts)

- The Chair and the Office of the Chief of Staff provides administrative direction with assignments in terms of broadly defined missions or functions; giving specific instructions only in instances when new or revised procedures are to be used
- Results of the Director’s work are considered technically authoritative and are normally accepted without significant change. If the work should be reviewed, the review concerns such matters as fulfillment of program objectives, effect of advice and influence on the overall program, or the contribution to the advancement of technology
- Work performance is evaluated by the Office of the Chief of Staff and may be evaluated by the Chair

Factor 3. Guidelines

(3-5, 650 pts)

- The Director uses guidelines that are often ambiguous and express conflicting or incompatible goals and objectives, requiring extensive interpretation
- Work performed by the Director shall conform to provisions of the IGRA, agency regulations and further defined by the policies and procedures set forth by the agency

- The Director must exercise exceptional judgment and ingenuity in interpreting the intent of the guides that do exist and in developing applications to specific areas of work. Frequently, the employee is recognized as a technical authority in the development and interpretation of guidelines
- The Director is responsible for strategy and planning by defining, updating, and implementing IT across the agency. The Director aligns IT objectives and programs to enterprise objectives and strategies. The Director also coordinates and manages IT across the agency
- The Director is responsible for control by aligning the IT team with enterprise performance objectives, controlling and reporting performance status and controlling and coordinating overall technology budget

Factor 4. Complexity

(4-6, 450 pts)

- The Director's work consists of broad functions and processes such as planning and leading efforts to address IT issues where precedents do not exist and establishing new concepts and approaches to best handle such issues
- To direct the Technology Division, the Director must have overall understanding of the structure and operation of the agency's mission, policies, and procedures, including the IGRA and the agency's regulations
- Assignments are characterized by breadth of effort and by involving several activities being pursued sequentially with the support of others within or outside the organization
- The nature of the job assignment may place the Director in situations both highly complex and extremely sensitive. Actions taken must often involve the use of substantial discretion on the part of the Director
- Tribal gaming frequently involves a broad spectrum of conflicting interests. Identifying what needs to be done may require extensive fact-finding and analysis before solutions are determined

Factor 5. Scope and Effect

(5-6, 450 pts)

- The Director's work involves planning, developing, and carrying out broad and extensive assignments (e.g., involving several tribes) of significant interest to the public and the Government
- Work often leads to recommendations for expansion or contraction of agency functions or other equally significant changes in the future direction of the agency's IT programs
- The Director's work affects not only agency employees nationwide, but large numbers of people in multiple geographic areas on a continuing basis

Factor 6. Personal Contacts & Purpose of Contacts

(4D, 330 pts)

- Within the agency: the Director may be in regular contact with the Chair and members of the agency, General Counsel and the legal staff, members of the Technology Division, and Directors and staff of other divisions
- Outside of the agency: the Director may be in regular contact with compliance agencies, tribal governments, state and local governmental agencies and officials, gaming operation managers and personnel, attorneys, the media, informants, tribal members and the general public

- Reasons for contacts generally will deal with matters pertaining to Indian gaming and program management. These contacts may be in the form of agency meetings and consultations, open meetings, private meetings, interviews and telephone contacts
- Contacts may require influencing and persuading others in order to obtain the desired effect

Factor 7. Physical Demands

(8-1, 5 pts)

- The duties of the Director are primarily sedentary, but may include extensive travel that may involve long cross-country flights, many hours of driving in sometimes adverse weather conditions, prolonged sitting, and repetitious motor activity and eye-strain associated with computer operation

Factor 8. Work Environment

(9-1, 5 pts)

- Due to the extensive travel required, the Director needs to take extra precautions to ensure proper diet, rest, and exercise, are acquired. The collateral risks and discomforts associated with travel and computer work are unavoidable
- The work is preformed through secure remote connection or in a typical office setting

TOTAL POINTS: 4390 = Equivalent to the GS-15 level (4055-up)

In Depth Discussion: NIGC Update

A busy year for the National Indian Gaming Commission is about to get busier. New members will be added within the next few months, and the chairman will join this session to share his plans for the future of the agency. In addition, the chief of staff and general counsel will provide a thorough review of actions that are being implemented as a result of recent changes with the creation of the new Division of Technology and discuss updates to the NIGC regulations, the chairman's priorities and principles focus, proposed guidance for Class III Minimum Internal Control Standards (MICS), and other areas of interest to the regulatory process in the industry.

- Understand how the NIGC concentration on training is impacting Tribal gaming
- Hear the intentions for the remainder of the Obama Administration directly from NIGC's chairman
- Learn how technology has revolutionized the commission's communications with Tribes

Staff Introductions & Announcements

- In attendance at G2E:
- From our Chief of Staff office, Chief of Staff Shannon O'Loughlin; Deputy Chief of Staff Christinia Thomas, Mike Odle, Mark Gaston, Tim Harper, Alan Phillips, Sean Mason and Michael Curry
- From our Office of General Counsel, General Counsel Mike Hoenig and Associate General Counsel John Hay and Andrew Mendoza and Esther Dittler
- I want to briefly make two staff announcements.
 - First, long-time attorney and previous Associate General Counsel Michael Hoenig has been named as our General Counsel.
 - Prior to joining the NIGC, Michael served as Counsel to Chickasaw Nation Ambassador Charles Blackwell and as Counsel to the Native Affairs Economic Development Group.
 - Travis Waldo has been named as our Acting Direct of Technology.

- Travis' nearly 20 years of experience in Information Technology, law enforcement and audits lends valuable knowledge and insight to the Division of Technology.

Commissioner Search

- Dept. of Interior selects the 2 commissioners through Secretarial appointments.
- This is not an NIGC selection; it is an appointment by the Secretary of Interior.
- Interior will be making an announcement within the next couple of days.
- I'm committed to working with whoever is chosen.

Administration/NIGC Priorities

- Under this Administration, we have had a renewed commitment to consultation, training and technical assistance and we remain committed to working with the over 5,000 tribal regulatory partners to ensure compliance, and a level playing field in Indian gaming.
- We have a shared goal of strengthening the regulatory structure, working hand-in-hand, with the primary regulators of Indian gaming.
- In various settings I have repeatedly laid out my 5 priorities and 4 principles that I believe are well targeted to ensure the sound regulation of Indian gaming.
- These priorities and principles are the basis for how we as a Commission approach our role as regulators.

- Since my time at the NIGC I have been guided by the priorities and principles in my efforts to faithfully implement IGRA.

5 Priorities

1. Active performance of regulatory duties

- Providing training and assistance on the front end negates issues on the back end.
- We are committed to providing up-to-date and meaningful information in our training curriculum
- Reach as many people as practically possible.
- Over the last 2 years we have trained more regulatory partners than we've ever trained – that is until this year.
- **Training:** This year we tripped last year's number of training events and trained more than 3,250 regulatory partners representing a historic 90% of gaming tribes.
 - Conducted over 400 site visits this far in 2015
 - All-time record 975 training events a 67% increase in 2015
- **Internal Control Assessment:** Launched our Internal Control Assessment, providing a comprehensive review of a tribal gaming facility's entire system of internal controls.
 - The ICA can also be tailored to meet the needs of an individual tribe or tribal regulator to examine a single gaming activity such as Bingo, Table Games, Gaming Machines, among others.
 - The NIGC's ICA provides a level of assurance commensurate with industry standards.

2. Engaging in ongoing meaningful tribal consultation

- Last year we engaged in formal consultations that helped to shape key policy decisions we made as an agency.
- From those consultations last year we recognized Importance of technology, creation of the Division of Technology and input on whether NEPA should apply to our management agreements.
- We listened and because of your comments we proposed a streamlined process to comply with NEPA.
- We currently are evaluating comments on
 - NEPA Categorical Exclusion (CE)
 - A straight forward update of Privacy Act deadlines and rules
 - Issuing non-mandatory guidance on Class III MICS
 - Buy Indian Goods and Services (BIGS)

3. Staying ahead of the technology curve

- In the last two years we've created a new division, implemented Pay.gov for paying fees, utilized streaming video technology and introduced our new technical assistance programs, including our Internal Control Assessment and IT Vulnerability Assessments.
 - **Website.** Today (Tuesday) we launched our new NIGC.gov, with improved functionality, design and navigation.
 - We hope that you will find it much easier to navigate and to get the information that you need from the NIGC.
 - Our goal is to bring content to you in an intuitive, consistent, professional and contemporary manner.

- Enhanced social media presence: Facebook and Twitter.
- Sign-up for news and updates with our new email subscription service
- **Division of Technology:** In March this year we announced the formation the Technology Division focused on providing increased and integrated technology for enhancing our regulatory mission and to support Tribes and tribal regulators.
- **IT Vulnerability Assessment:** We are now offering an IT Vulnerability Assessments at a tribe’s request, free of charge, to conduct IT threat assessments and provide a report and recommendations.
 - On August 11 the Mono Wind Casino operated by the Big Sandy Rancheria of Mono Indians of California was the first casino to have an ITVA.
 - Gaming Commission Director Jason Andrews said it was an “excellent opportunity” for the casino and that the ITVA would help “enhance security and reduce threats to [their] gaming network.”
 - We have several other facilities already scheduled for their ITVA.
- **Pay.gov:** In December 2014 we implemented an electronic payment system through Pay.gov used for the quarterly payment of annual fees and submission of associated worksheets.

4. Supporting a strong workforce both in-house and among our regulatory partners

- Hiring additional staff in IT and technology, administration, accounting and finance, compliance and intergovernmental affairs

5. Strengthening dialogue and relationships with all relevant stakeholders

- We participated in 15 conferences and 8 tradeshow
- Actively engage with tribes in compliance, training and technical assistance
- Support and improve dialogue and relationships with our tribal regulatory partners through enhancement of our technological capabilities: New website, streaming video, social media

4 Guiding Principles

1. Act within appropriate agency authority to address and mitigate activity that jeopardizes the integrity of Indian gaming and, by extension, the valuable self-determination tool that it represents

- We sympathize with the Chukchansi tribe's desire to reopen operations, but the reality is there are several conditions the tribe must address before we enter into a settlement agreement.
- Government stability, gaming integrity and the health and safety of the public, including employees and patrons is paramount.

2. Swiftly act on anything that jeopardizes the health and safety of the public at gaming establishments, including employees and patrons.

- Despite our best efforts in providing training and technical assistance to tribes, situations arise, which leave us with no choice but to use the enforcement powers provided in IGRA.

3. Engage in sound regulation without unnecessarily stymieing the entrepreneurial spirt of tribes

4. Protect against anything that amounts to gamesmanship on the backs of tribes.

- Keeping a watchful eye on management contracts

Chief of Staff

- **Division of Compliance**
- **Division of Finance**
- **Division of Public Affairs**
- **Division of Technology**

Office of General Counsel

- **Ordinances**
- **Management Contracts and Sole Proprietary Interest**
 - Why we review and what we look for in management contracts, etc.
- **Lands Opinions**

NIGC Talking Points

Date: May 19, 2015

Subject: Great Plains Indian Gaming Conference and Tradeshow

Location: Mystic lake Casino Hotel, Prior Lake, Minnesota

- Good afternoon and thank you for having me here at the Great Plains Indian Gaming Conference and Tradeshow.
- I'm Jonodev Chaudhuri, Chairman of the National Indian Gaming Commission and a proud member of the Muscogee Creek Nation.
- Joining me today are several of the hardworking NIGC staff that execute our regulatory mission day-in and day-out...
- Eric Shepard, our General Counsel and John Hay, Associate General Counsel.
- Christinia Thomas, our Deputy Chief of Staff;
- From our Division of Compliance
Linda Durbin, Regional Director and Compliance Officers Ben Buck, Shawna Ellis, and Rob Burbach.
- From our Division of Public Affairs our Director Michael Odle and Communications Specialist Mavis Harris.
- I'd also like to introduce our new Chief of Staff, Shannon O'Loughlin.
- Shannon is not here today, she is at the USET semi-annual meeting in Connecticut, along with Associate Commissioner Dan Little.
- But, I wanted to share a bit about her with you all.

- Shannon is a citizen of the Choctaw Nation of Oklahoma and joined our team at the NIGC on May 4.
- Shannon brings an extremely strong Indian policy and law background and many of you may know her or her work with Interior's Native American Graves Protection and Repatriation Act Review Committee.
- She brings more than 16 years of legal and policy expertise, with significant experience in Federal Indian law and Indian Nations law and policy.
- We are very fortunate to have her.
- Both Shannon and Christinia will work together to continue our important Indian gaming regulatory mission.
- Thank you all for the work that you do.

Part of the Team

- For me, I consider myself deeply fortunate to be part of the NIGC team, for ours is an agency that plays a critical role in supporting Indian country self-determination.
- I am proud of the work we have done together to maintain stability, efficiency and accountability in our operations, while actively strengthening the regulatory structure of the Indian gaming industry.
- However, much work remains.

Commission's Direction/Priorities & Principles

- I am a firm believer in the sound regulation of Indian gaming. Sound regulation preserves public confidence, supports tribal self-sufficiency and self-determination, protects tribal assets, and promotes a safe and fair environment for all people who interact with the industry.
- The Commission remains focused on the four priorities of consultation and relationship building; training and technical assistance; and regulatory review and agency operational reviews.
- Everyone at NIGC continues to embrace the Commission's three-tiered, systematic approach to regulation, known as A.C.E.; Assistance, Compliance and then, if necessary, Enforcement.
- In various settings, I have repeatedly laid out principles and priorities for the agency that will help build on our commitment to transparency and efficiency.
- These priorities include:
 - Continuing to faithfully execute our oversight duties;
 - Maintaining our commitment to training, technical assistance, and meaningful tribal consultation;
 - Staying ahead of the Technological curve;
 - Supporting a strong regulatory workforce both at the NIGC and among our regulatory partners; and

- Strengthening dialogue and relationships with all relevant stakeholders.
- In addition to upholding these priorities, I recognize the importance of adherence to an independent, principled vision of regulation, consistent with the Indian Gaming Regulatory Act.
- In the performance of my Chairman-specific duties, I have relied on some key principles. These principles recognize the importance of:
 - Addressing and mitigating activities that jeopardize the integrity of Indian gaming and the valuable self-determination tool that it represents;
 - Swiftly acting on anything that jeopardizes the health and safety of the public at gaming establishments, including employees and patrons;
 - Engaging in sound regulation without unnecessarily stymieing the entrepreneurial spirit of tribes; and
 - Protecting against anything that amounts to gamesmanship on the backs of tribes.
- I have been guided by these priorities and principles in my effort to faithfully implement IGRA.
- It is my expectation that we will share these as our collective priorities to build on our successes and strengthen the integrity of Indian gaming.

- Let me share some of the things we have accomplished to date.

Training Results

- I'm pleased to share that year-over-year from 2012 to 2014 we performed more trainings and trained more people than we did the previous year and in 2015 we are on a trajectory to do so again.
- Here are a few statistics I think are important...
 - In 2014 we saw 81% of gaming tribes participate in NIGC training;
 - Tribal attendance at NIGC training is up 18% and 2014 attendance is up 32% over 2009 attendance.
 - And it's not just training we are cranking out—its quality training we are providing...
 - In 2014 we reached a milestone in our course evaluations, receiving a 99% satisfaction rating from course participants.

Training Calendar

- If you haven't downloaded our Training Calendar for Fiscal Year 2015 is available on our website. The commission is offering more than 40 courses to meet TGRA and gaming facility needs.

Consultations

- We are nearing the end of our recent round of tribal consultations.

- These consultations are focused on updates to the NIGC's Privacy Act regulations, the NIGC's proposed National Environmental Policy Act (NEPA) manual, which includes a categorical exclusion for the approval of management contracts, issuing non-mandatory guidance for Class III Minimum Internal Control Standards (MICS), and a proposed regulation through which the NIGC will give preference in Agency purchasing to Indian-owned businesses for goods and services.
- These consultations grew out of input we received from you and other Tribes through previous consultations, public comments and meetings. Last year we held a consultation following Great Plains
- Your input helps to drive the Commission's agenda. Last year we held consultations on technology and the applicability of NEPA to management contracts.
- The important comments you provided helped to shape the Technology Division and the development of our draft NEPA Handbook.
- Let me pause here and say thank you.
- Our final consultation will be here after Great Plains on May 20 from 3pm-5pm in Wabasha Two here at Mystic Lake.
- As always, the Commission benefits greatly from tribal input during our consultations and we look forward to a productive discussion with tribal leaders on these important topics.

Technology Actions

- And speaking of enhanced technology.
- Back on March 6, we announced the formation of a new division focused on providing increased and integrated technology for enhancing our regulatory mission and supporting Tribes and tribal regulators.
- Adding the voice of a Technology Director to our senior leadership team highlights our commitment to keep pace with the gaming industry technology across the agency.
- As many of you know, Indian gaming is a technologically driven industry and this new division will enhance our capacity at the NIGC and enable us to better meet the needs of Tribes and tribal regulators.
- I'm quite pleased with this decision. To me, it's clear how much technology helps to improve outcomes, control costs and enhance our regulatory delivery.
- My hope is that the creation of the Technology Division will improve the way we do business.

IT Vulnerability Assessment Testing

- I'm particularly excited about sharing with you the new IT vulnerability assessment testing we are offering at the request of the tribe or a TGRA at no cost.
- We recognize that compliance is a major undertaking, especially with changing technology.

- This new service can provide tribes with a complete vulnerability analysis of their IT system.
- IT vulnerability assessment testing will assist tribes in meeting their IT compliance requirements faster and more effectively and can result in tremendous cost savings, since it's a free service the Agency provides upon request.
- This new service augments the Agency's Internal Control Assessments (ICA's), which we have already been conducting for tribal gaming facilities for the last several months.

Internal Control Assessment (ICA)

- An ICA may include an examination of the MICS part 542 Class III regulations, MICS part 543 Class II regulations or the Tribal Internal Control Standards (TICS) and System of Internal Controls (SICS).
- It can be comprehensive in nature in which a team of NIGC employees will evaluate a gaming operation's entire systems of controls or it can be a detailed assessment of certain gaming activities such as Card Games, Information Technology or Internal Audit.
- At the conclusion of both the ICA and the IT vulnerability assessment testing a written report will be sent to the Tribe, which will include identification of potential risk areas and recommendations for improvements.
- If either the ICA or the IT vulnerability assessment testing sounds like something you are interested in,

please visit our website at www.NIGC.gov and click on the tab for Technical Assistance and Training, where you can read about what these two new services can offer for your tribe or TGRA.

GAO Report

- Many of you have heard the various discussions about the Government Accountability Office conducting a review of our operations at the NIGC.
- We welcome GAO's report, specifically how the Commission regulates Indian gaming and I look forward to the final report being issued.

Sequestration

- As many of you know, during FY 2013 and FY 2014, NIGC funds were sequestered as part of the Budget Control Act of 2011.
- As the law was written, Congress and the Administration had no control over these cuts -- which was the whole point.
- Despite our extensive efforts to exempt the NIGC from these cuts, we were advised that approximately five percent of the NIGC's budget would be sequestered.
- I am happy to report that, due to the hard work of our staff in conjunction with our federal partners, all of the sequestered funds from FY 2013 and FY 2014 have now been returned to the NIGC.

NIGC Booth

- Before I close, I'd like to encourage all of you to visit with the NIGC staff in the exhibitor hall booth 241.
- Pick-up the latest training catalog, snag one of our 543 Minimum Internal Control Standards Quick Reference Guides or ask questions of our employees.
- We are here help however we can.

Closing

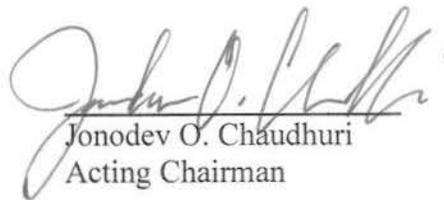
- I'm a firm believer gaming is a means to an end – economic development, self-determination, and protection of our values and ways of life, in short endurance of our communities – and not an end itself.
- We hold solemn our role as partners with tribal regulators to help ensure the integrity of the industry so this means to an end is protected.
- I am confident with the ongoing and collaborative efforts among tribes, tribal regulators and the NIGC, that we are helping to achieve compliance and protecting the Indian gaming industry, which has become a vital economic development tool for so many tribes.
- The NIGC remains committed to fulfilling our mandate under IGRA and to provide a 21st century regulatory framework ensuring the integrity of Indian gaming and that tribes remain the primary beneficiaries of their gaming revenue.
- I thank you for your time.

NATIONAL INDIAN GAMING COMMISSION

ACTION: In recognition of the need to ensure up-to-date technological capabilities in the performance of all agency functions, the Commission has agreed to create a Division of Technology.

- I/We approve the decision
- I/We disapprove the decision
- I/We want my dissent shown on the outgoing document
- I/We do not want my dissent shown on the outgoing document
- I/We am/are not participating
- I/We desire to without my vote until _____
- I/We desire to have this item placed on the agenda for a formal meeting of the Commission
- Noted.

Comments:


Jonodev O. Chaudhuri
Acting Chairman

2/25/15
Date


Daniel J. Little
Associate Commissioner

2/25/15
Date

Homa, Rita F

From: Odle, Michael R.
Date: Monday, November 09, 2015 2:32 PM
To: info
Subject: NEWS RELEASE: Chaudhuri strengthens focus on rural tribes—hires new Rural Outreach Coordinator

For Immediate Release
Media Contact: Michael Odle
(202) 632-7003

Chaudhuri strengthens focus on rural tribes—hires new Rural Outreach Coordinator

WASHINGTON, Nov. 9, 2015 – The National Indian Gaming Commission is strengthening its training and technical assistance program focusing on rural tribes with the hiring of Susan Waukon (Ho-Chunk) to the newly created position of Rural Outreach Coordinator. This will be the second position created to increase communication, facilitate coordination and enhance regulatory relationships to build on the agency’s commitment of supporting capacity and a level playing field for all tribes that pursue gaming. The first position was the Legislative Affairs and Intergovernmental Coordinator filled by Sarah Crawford in late January 2015.

“Rural gaming tribes, large and small, help create a dynamic economy and provide needed jobs and services for their people. Rural tribes have specific needs due to the demographics of their facilities. The NIGC has a responsibility to address the needs of these rural tribal gaming facilities,” said Chaudhuri. “We are committed to collaborating with rural gaming tribes to support their regulatory compliance and thereby increase their success in the industry.”

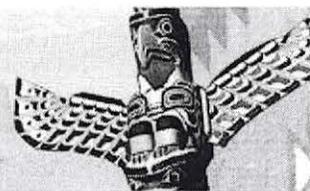
Waukon, in her new capacity, will engage with rural tribes to assist with the challenges they face from an Indian gaming regulatory perspective and advise the commission’s senior leadership on opportunities to support economic development, self-sufficiency and strong tribal governments through Indian gaming. She will begin to conduct outreach efforts in the St. Paul Region to the more than 90 rural gaming tribes in that region.

“Working together, providing insight and leveraging resources through cooperation and partnerships with a sharp focus on regulatory compliance are keys to rural economic development, tribal self-sufficiency and strong tribal governments,” said Waukon. “I was raised by my late grandparents in Wisconsin and the values they instilled have made me an advocate for helping and fostering relationships within Indian country.”

Prior to joining the NIGC Waukon was a Ho-Chunk Nation Legislator where she engaged in regular contact with other tribal leaders in Wisconsin, the Midwest region and Indian country nationwide. Waukon further worked to facilitate authentic and collaborative relationships with tribes, non-natives and federal agencies. During Waukon’s term she also served on various Ho-Chunk Nation committees providing leadership, facilitating conflict resolution and effective facilitation of corporate governance matters. Waukon graduated with a bachelor of science from the University of Wisconsin Eau Claire.

The National Indian Gaming Commission is committed to the effective regulation of the Indian gaming industry spanning more than 450 gaming establishments, associated with nearly 242 tribes across 28 states. The Commission’s dedication to compliance with the Indian Gaming Regulatory Act ensures the integrity of the \$28.5 billion Indian gaming industry. To learn more, visit www.nigc.gov and follow us on [Facebook](#) and [Twitter](#).

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NATIONAL INDIAN GAMING COMMISSION

1441 L. Street NW Suite 9100, Washington DC 20005 Tel.: (202) 632-7003 Fax: (202) 632-7066 Email: info@nigc.gov

PR-231 03-2015

For Immediate Release

Media Contact: Michael Odle
(202) 632-1599

NIGC creates Technology Division to enhance mission delivery

WASHINGTON, March 6, 2015--The National Indian Gaming Commission (NIGC) today announced the formation of a new division focused on providing increased and integrated technology for enhancing its regulatory mission and supporting Tribes and tribal regulators.

“Adding the voice of a Technology Director to our senior leadership team will highlight the agency’s commitment to keep pace with the gaming industry technology across the agency,” said Acting Chairman Jonodev Chaudhuri. “Indian gaming is a technologically driven industry and this division will enhance our capacity and enable us to better meet the needs of Tribes and tribal regulators.”

In addition to keeping the agency at the forefront of technology the Technology Division will take the lead on providing the agency with information technology and telecommunications products, services and solutions for the NIGC.

“It is clear how much technology helps to improve outcomes, control costs and enhance our regulatory delivery,” said Associate Commissioner Daniel Little. “My hope is that the creation of the Technology Division signals to the Indian gaming industry that the NIGC is embracing technology to improve the way we do business.”

The creation of the Technology Division builds on the steps the NIGC has taken recently to better harness technology both internally and externally. In 2014, the Commission opened its new headquarters and offers a state-of-the-art facility for meetings, technical assistance and trainings. The NIGC now routinely accepts tribal financial reports via Pay.gov and awarded a contract for the re-design and development of its website to include interactive features, automatic content alerts and streaming video.

The National Indian Gaming Commission is committed to the effective regulation of the Indian gaming industry spanning more than 450 gaming establishments, associated with nearly 242 tribes across 28 states. The Commission’s dedication to compliance with the Indian Gaming Regulatory Act ensures the integrity of the \$28 billion Indian gaming industry. To learn more, visit www.nigc.gov and follow us on Facebook and Twitter.

###

The National Indian Gaming Commission is an independent regulatory agency established within the Department of the Interior pursuant to the Indian Gaming Regulatory Act of 1988.

National Indian Gaming Commission
Position Description For
IT Specialist AD-2210-14
Technology Manager
(This position is equivalent to the GS-14 level)

Introduction

This position has responsibility for the technical day-to-day operation of the office, with responsibility for planning, designing and administering, with a minimum of day-to-day direction. This includes providing advice and direction relevant to technology systems that supports the integrity of tribal gaming. The position reports directly to the Director of Technology.

Major Duties

The National Indian Gaming Commission Technology Manager (TM) shall perform duties as assigned and delegated from the Director of Technology. The TM is responsible for the operation of all agency-level information systems and the technology functions associated with IT applications, communications (voice and data), and computing services of the agency. As the top technical architect of the agency, the TM shall assist the Director of Technology to provide a vision of how technology can best be applied and on the strategy for transitioning to that vision. The TM has operational responsibility for the agency systems infrastructure, and works with the Technology Director, agency management and Technology Division staff to integrate specific application needs into the agency IT infrastructure.

The TM has day-to-day responsibility for the common systems infrastructure services, including email, network and communications. Accordingly, the TM works with the Technology Director to ensure that superior services meeting defined service levels are delivered in a cost-effective manner.

The TM establishes policy guidance and publishes standards for Agency-wide selection, acquisition, implementation, deployment and maintenance of information technology. The TM will periodically assess the completeness of the IT policies and procedures of the agency with regard to IT technology and acts to address gaps that exist.

The TM develops procedures for software licensing and asset life cycle management, and is responsible for leading the evaluation, configuration and procurement of software and hardware. In certain situations the TM may choose to delegate this responsibility selectively to agency IT staff or other appropriate groups.

The TM actively participates in the agency's strategic activities and annual budget process providing advice and counsel to agency leadership with regard to any information resource implications of planning and budgeting decisions.

The TM maintains current knowledge of technology innovations and new capabilities, and develops and proposes plans to utilize appropriate technologies that provide cost reductions and performance improvements.

The TM directly supervises Technology Division employees within the TM chain of command.

The TM plans work to be accomplished; makes work assignments and establishes priorities; reschedules work to meet changing deadlines and special project assignments; reviews work accomplishments; recommends promotions, reassignments, and awards; hears and resolves grievances and initiates disciplinary action where applicable; initiates personnel actions to fill vacancies within the TM chain of command.

Education Requirements

The TM must possess a BS/BA in Computer Science, Information Systems, or related field(s) from an accredited college or university. This position requires a minimum of one year (at the GS-13 equivalent level) of experience in directly related IT work, however at least five years of experience in IT and experience in Gaming Information Systems is preferred.

Factor 1. Knowledge Required by the Position

Level 1-8, 1550 PTS

Mastery of IT theories, principles, concepts, standards, and practices sufficient to:

- Manage and coordinate agency IT information resources functions. This includes the ability to develop management goals, along with the strategies for meeting them
- Manage various IT issues including mastery of the principles, methods, and techniques of technical project management, program analysis, and information systems analysis to direct the IT functions
- Manage and develop capital planning and investment control
- Conduct structured analyses of technical subject areas to facilitate in-depth analyses of major agency project plans and strategies

Additionally:

- Knowledge of the budget process and of budget and financial analysis methodologies to facilitate the formulation and oversight of an information collection budget
- Knowledge of information system project piloting methodologies and of moving from pilots to formal systems
- Knowledge of agency mission and functions as they relate to tribes and tribal gaming operations
- Excellent verbal and written communication skills, and ease and confidence in presenting to diverse audiences including agency leadership
- Knowledge of developing and writing policies, procedures, and standards
- Demonstrate initiative and exercise of sound judgment, along with strong cost consciousness
- Ability to provide management in the areas of information operations security, telecommunications systems, user services, and disaster recovery services

Factor 2. Supervisory Controls

Level 2-5, 650 PTS

- The TM works under the supervision of the Director of Technology who provides assignments in broadly defined objectives, functions or missions. The incumbent has responsibility for the technical day-to-day operation of the office, with responsibility for planning, designing and administering, with a minimum of day-to-day direction
- The results of the work are considered authoritative and are normally accepted without significant change. Review of work consists of appraisal of accomplishments as reflected in a

variety of reports or written materials influencing overall program objectives, compliance with guidelines and policies, and effectiveness of assistance, advice, and counsel provided to a wide range of contacts

Factor 3. Guidelines

Level 3-5, 650 PTS

- Guidelines include the agency's departments and other Federal standards, policies, procedures and regulations pertaining to technical, administrative and procurement activities. The incumbent uses considerable judgment in developing mission requirements and in meeting those requirements at the lowest overall cost. Multiple interpretations of regulations and procedures are possible; therefore a high degree of initiative and resourcefulness is used to arrive at optimum solutions. The TM is considered an authority in understanding and interpreting technical, administrative and procurement actions

Factor 4. Complexity

Level 4-5, 325 PTS

- Assignments are varied in nature and require overseeing the analysis of complex requests against statutory requirements and other policies and guidelines. In addition to comparing a wide range of technical considerations, procurement actions, policy documents, and requests against complex policies, the incumbent must be aware of trends in the interpretation of these policies by higher authorities. All of this must be done in the context of the rapidly evolving IT environments including tribal gaming, which may require the incumbent to propose and develop changes to current policies and procedures

Factor 5. Scope and Effect

Level 5-5, 325 PTS

- The purpose of the work is to ensure that the agency meets its commitments related to legislative mandates and leadership requirements in key technology areas. The work ultimately impacts the quality and the cost of service that the Agency provides

Factor 6. Personal Contacts

Level 6-3

- Within the agency: the TM may be in regular contact with the Chair and members of the agency, General Counsel and the legal staff, members of the Technology Division, and Directors and staff of other divisions
- Outside of the agency: the Director may be in regular contact with compliance agencies, tribal governments, state and local governmental agencies and officials, gaming operation managers and personnel, attorneys, the media, informants, tribal members and the general public

Factor 7. Purpose of Contacts

Level 7C, 180 PTS

- Reasons for contacts in Factor 6 in general will deal with matters pertaining to tribal gaming and program management. These contacts may be in the form of agency meetings and consultations, open meetings, private meetings, interviews and telephone contacts

Factor 8. Physical Demand

Level 8-1, 5 PTS

- The duties of the TM may include extensive travel that may involve long cross-country flights, many hours of driving in sometimes adverse weather conditions, prolonged sitting, and repetitious motor activity and eye-strain associated with computer operation

Factor 9. Work Environment

Level 9-1, 5 PTS

- Due to the extensive travel required, the TM needs to take extra precautions to ensure proper diet, rest, and exercise, are acquired. The collateral risks and discomforts associated with travel and computer work are unavoidable
- The work is preformed through secure remote connection or in a typical office setting

Point Range GS-14 equivalent = 3605-4050

Total Points = 3690

Greetings

- Good morning, I am Sequoyah Simermeyer the Associate Commissioner for the National Indian Gaming Commission.
- I am excited about bringing my extensive Indian policy background to the Commission
- Prior to joining the NIGC, I was the deputy chief of staff to the assistant secretary for Indian affairs at Interior.
- NIGC now has a quorum!
- There continues to be one vacancy on the Commission.
- This is not an NIGC selection; it is an additional appointment by the Secretary of Interior.
- The Dept. continues to actively engage in the search for another quality candidate, among the dozen of resumes received and names submitted.
- Our Chairman Jonodev Chaudhuri sends his best regards and wishes he could be here today.

Introduction of Staff

- I would like to take the opportunity to introduce members of the team.
- It's important to get to know each other.
- **NIGC Staff:** Chief of Staff *Shannon O'Loughlin*, General Counsel *Mike Hoenig*, and Staff Attorney Esther Dittler.

Administration

- Under this Administration, we have had a renewed commitment to consultation, training and technical assistance and we remain committed to working with the over 5,000 tribal regulatory partners to ensure compliance, and a level playing field in Indian gaming.
- We have a shared goal of strengthening the regulatory structure, working hand-in-hand, with the primary regulators of Indian gaming.

Specific NIGC Updates

Training & Technical Assistance

- **Training:** For 2015 we tripled 2014's number of technical assistance and training events and reached more than 3,250 regulatory partners representing a historic 90% of gaming tribes.
- At the request of a tribe, we provide free *Internal Control Assessment (ICA)* to evaluate any risks in an operation and provide written recommendations to address those risks.
 - The ICA can also be tailored to meet the needs of an individual tribe or tribal regulator to examine a single gaming activity such as Bingo, Table Games, Gaming Machines, among others.
 - The NIGC's ICA provides a level of assurance commensurate with industry standards.
- We are also offering an *IT Vulnerability Assessments* at a tribe's request to conduct IT threat assessments and provide a report and recommendations.
 - We have several facilities already scheduled for their ITVA.

- For more information on the ICA or ITVA please visit our website at nigc.gov and training information can be found by selecting the “Request Training” tab on the home page.
- If the ICA or ITVA is something you are interested in pursuing, I encourage you to contact our Compliance Division to discuss the programs and availability.
- We believe working on the front end avoids problems on the back end.

Technology

- Back in March we announced the Division of Technology with a focus on increased and integrated technology for enhancing our regulatory mission and supporting Tribes and tribal regulators.
- As we move forward with technology upgrades we are working to increase the internet bandwidth at all of our regional and satellite offices.
- This upgrade will increase training opportunities to our partners who may not be able to travel to attend training events.
- This is also a step needed to allow for tribes to electronically submit licensing documents that contain personal identifiable information (PII).

Principles and Priorities

- I stand behind the Chairman’s 5 priorities and 4 principles that we believe are well targeted to ensure the sound regulation of Indian gaming.
- These priorities and principles are the basis for how we as a Commission approach our role as regulators.

5 Priorities

1. Active performance of regulatory duties
2. Engaging in ongoing meaningful tribal consultation
3. Staying ahead of the technology curve
4. Supporting a strong workforce both in-house and among our regulatory partners
5. Strengthening dialogue and relationships with all relevant stakeholders

4 Guiding Principles

1. Act within appropriate agency authority to address and mitigate activity that jeopardizes the integrity of Indian gaming and, by extension, the valuable self-determination tool that it represents
2. Swiftly act on anything that jeopardizes the health and safety of the public at gaming establishments, including employees and patrons
3. Engage in sound regulation without unnecessarily stymieing the entrepreneurial spirit of tribes
4. Protect against anything that amounts to gamesmanship on the backs of tribes.

Gamesmanship

- The Chairman has been spending a lot of his time talking about his fourth principle, “Protect against anything that amounts to gamesmanship on the backs of tribes.”

(b) (5)

- What is gamesmanship? Generally defined, it is the art or practice of winning games by questionable expedients without actually violating the rules.
- In other words, it's the use of ethically dubious methods for gain.
- Now gamesmanship in Indian Gaming occurs when non-tribal-governmental interests manipulate business, professional and employment relationships associated with Indian gaming operations to further their own interests or agendas at the expense of the tribal gaming operation and, therefore, the tribe.
- Gamesmanship often results in the third party, or parties, violating IGRA, NIGC regulations, or the tribal gaming ordinance.
- These violations often include managing an Indian gaming operation without an approved management contract, misuse of gaming revenue, a violation of the sole proprietary interest requirement, or all of the above.
- Such gamesmanship is even more egregious when the parties engaging in said gamesmanship have undue influence over the tribal decision making process, as can be the case when the gamesmanship is facilitated by trusted tribal advisors.
- NIGC needs your help. Together, we can guarantee the statutory requirement of IGRA to ensure Tribes are the primary beneficiaries of their gaming revenue.

Desert Rose Bingo Opinion

- A game opinion is not final agency action it is as it states an opinion of the Office of General Counsel.
- Game Opinions are fact specific, if new facts are presented a game opinion maybe adjusted accordingly.

- With all gaming classifications, the NIGC retains the right to determine how a game should be classified under the IGRA.
- The Opinion on Desert Rose bingo determined that the game (b) (5) is a Class III game.
- What that means is that how the game is configured and played does not meet the IGRA definition of a Class I or Class II game.
 - The ball draw takes place before the game wager is done.
 - The ball draw must take place after the start of the game which typically is when the wager is placed and cards are purchased.
 - The proxy doesn't have to do anything (Just monitors system but takes no action.) To be Bingo even with a proxy there has to be some form of activity done to participate in the game (daub the cards)

(b) (5)

RAP information

- All information received is followed up on.
- Investigations will be and are completed if it is believed that misuse of gaming revenue occurs.
- Only 3 NOV's have been issued regarding a RAP violation by the agency. (2006, 2009 and 2010 and only 2 by P. Hogan).
- There have been several investigations. In this past year the Compliance Division has reviewed or investigated multiple allegations of misuse of gaming revenue some of which were RAP related.
- However, we cannot comment on any ongoing investigations.
- The agency does not have law enforcement authority, and does make referrals to law enforcement when appropriate.

In Closing

- We are pleased with the strides we have made embracing technology as a core function of the NIGC. The new ITVA is a prime example.
- We can go farther walking together than any of us can go it alone and our training and technical services are a free resource,
- Gaming and Indian law attorneys are a small group and we can all support the self-determination of Indian Tribes through gaming operations if we work together.
- Many thanks for having us here.

Legislative and Intergovernmental Affairs Coordinator
AD-0301-11 (equivalent)
PD #15-0003

Introduction

This position is a Legislative and Intergovernmental Affairs Coordinator in the National Indian Gaming Commission (NIGC), Division of Public Affairs. Incumbent works under the general supervision of the Director of Public Affairs (DPA). Incumbent provides strategic advice and counsel and works with the DPA and Senior Leadership (Chairman, Associate Commissioners, Chief of Staff, and General Counsel). Incumbent works with the DPA and Senior Leadership to coordinate NIGC congressional initiatives, external relationship building, government-to-government consultations, and other intergovernmental coordination. Incumbent exercises independent judgment in the performance of difficult and high profile assignments in preparation briefing and presentation materials, both oral and written, which require familiarity and comprehension with the operations of the NIGC, the federal legislative process, the NIGC Consultation Policy, and tribal and state governmental structures.

Major Duties

Closely monitors NIGC congressional initiatives and active state and federal legislation impacting the Commission's mission and programs. Conducts analysis and compiles legislative histories of previously enacted, amended or proposed laws.

Monitors congressional proceedings and reviews the Congressional Record in order to obtain information on Member positions and statements as well as Executive Branch senior level testimony and official statements. Consults and interacts with congressional staff members to obtain and clarify legislative information and Member positions. Prepares reports, fact sheets, briefing papers, information packets, and position papers for internal consideration. Coordinates and supports congressional briefings, legislative engagement as well as congressional delegation visits to the headquarters and the region.

Reviews and monitors a variety of periodicals, papers, and journals in order to obtain information related to the NIGC's mission and activities. Verifies information through the Congressional Record for accuracy of verbatim remarks and debates; reviews the congressional schedule to determine and provide coverage for congressional hearings. Provides regular analysis and updates for Senior Leadership.

Assists in the overall preparation of the Chairman and Senior Leadership testimony. Collects information to help develop statements and build prep books. Supports all post-hearing activity, reviewing transcripts, coordinating responses to the questions for the record, following up with professional staff.

Oversees the coordination and planning of Commission consultations and meetings with tribal governments and tribal gaming commissions, as well other governmental offices. Assembles and

coordinates briefing materials and reports for use at consultations, meetings, and conferences. Coordinates follow-up on consultation matters within the NIGC and between tribes and NIGC.

Serves as an outreach liaison to state and tribal leadership and gaming commissions.

Designs, in coordination with the DPA and Senior Leadership, proactive strategies to educate members of Congress, their staff, committee staff, and other governmental agencies. Formulates, in coordination with the DPA and Senior Leadership, Commission programs, policies, and procedures as they pertain to congressional and legislative issues and intergovernmental affairs.

Performs other duties as assigned.

FACTOR 1 - KNOWLEDGE REQUIRED BY THE POSITION

Mastery of writing, editing, and research skills in order to develop comprehensive reports and information papers for the Senior Leadership (Chairman, Associate Commissioners, Chief of Staff and General Counsel). Writing products and information briefings assist the leadership in understanding and evaluating the unique interests and particular views of Congress in regard to NIGC issues.

Comprehensive knowledge of the Indian Gaming Regulatory Act (IGRA) and NIGC programs, policies, and initiatives of critical and timely interest to Congress, coupled with a mastery of analysis and evaluative techniques in order to assess the impact, sequence, and timing of key Congressional actions with respect to NIGC legislation.

Knowledge of the federal legislative process, elective process, congressional committee structure, and activities of the Congress.

Skill in interfacing with members of the Senior Leadership, members of Congress, and their staffs in order to plan and coordinate NIGC Legislative activities. Skill in applying tact and diplomacy in the conduct of official duties.

FACTOR 2 - SUPERVISORY CONTROLS

The Director of Public Affairs establishes, in consultation with the Legislative and Intergovernmental Affairs Coordinator, the overall objectives of the work assigned. Incumbent carries out assignments independently, resolving most conflicts, which arise, coordinating the work with others as required. Interprets policy and regulations independently, guided by the established objectives of the assignment. Methods to be used and approaches to be taken are normally determined by the employee. Program effectiveness is assessed in terms of results achieved.

FACTOR 3 - GUIDELINES

Guidelines, in the form of departmental policies and precedents contained in directives, are broadly stated and of limited use in applying them to specific situations encountered by the incumbent of the position. The incumbent uses seasoned judgment in deviating from acceptable communication practices or strategies to develop methods appropriate to specific issues or problems.

FACTOR 4 - COMPLEXITY

Assignments include planning, designing, executing and evaluating the congressional affairs program for

NIGC, involving the development of written materials conveying complex information about the Commission's programs, the maintenance of effective working relationships with specialized groups and the development of recommendations to improve program effectiveness. Decisions regarding what needs to be done involve analyzing the information needs of various segments of Congressional staffers and often the general public; determining the most effective approaches to employ in reaching the specialized audiences, modifying strategies or plans to more effectively communicate programs and functions, and providing information to refute undue criticism. The work involves obtaining feedback from organizational elements in developing new approaches in meeting communication needs of the public and in describing the goals of various NIGC programs.

Work requires significant and extensive coordination and integration of a number of important projects. It requires professional work involving extreme urgency, and other demands.

FACTOR 5 - SCOPE AND EFFECT

The purpose of the position is to serve as the Commission's primary interface with Congress and Congressional Staffers. As such, incumbent formulates plans that effectively support and promote the missions and goals of NIGC and assist senior NIGC leaders on matters involving Congressional inquiry or investigation. Work includes identification of the causes or reasons for public and congressional misunderstandings or criticism of the various programs and policies that support NIGC objectives. Work also encompasses the management of official Congressional correspondence, inquiries, and investigations pertaining to the NIGC. Notifies senior NIGC leadership of potential impacts, and recommends solutions or courses of action that will result in favorable outcomes from a NIGC perspective.

The work affects the successful achievement of having NIGC program objectives recognized and perceived as important priorities by members of Congress. The work effort has considerable impact on and carries consequences for significant NIGC plans and programs.

FACTORS 6&7 - PERSONAL/PURPOSE OF CONTACTS

Routine contacts are with liaison counterparts in liaison offices. Direct, periodic contacts are with any number of Members of Congress who have an interest in Commission and from the professional staff of congressional committees who have NIGC oversight responsibilities. Contact is not routinely or easily established. Each contact is conducted for different reasons and under different circumstances. Contacts also include top management officials of Commission, other NIGC components, tribal, state and local officials, civic organizations, and private industry.

The purpose of contacts is to explain, relate, and advise on significant or controversial actions or decisions affecting basic principles of the NIGC mission in light of highly sensitive congressional and public interest. Incumbent also uses contacts for the purpose of establishing and maintaining favorable relations with Congress and tribes.

FACTOR 8 - PHYSICAL DEMANDS

The work requires a minimum of physical exertion.

FACTOR 9 - WORK ENVIRONMENT

Work is performed in an office setting which is adequately lighted and climate controlled. Travel to hearings, consultations, and other meetings may be required.

Greetings

- Good morning!
- Thank you for inviting me to speak today.
- For those of you who have not met me, I'm Jonodev Chaudhuri, Chairman of the National Indian Gaming Commission and a proud member of the Muscogee Creek Nation.

Simermeyer

- It is with great pleasure that I introduce you to our newest Associate Commissioner Sequoyah Simermeyer.
- Sequoyah was sworn in as Associate Commissioner by Interior Secretary Jewel Monday.
- Sequoyah brings extensive Indian policy background to the Commission
- Prior to joining the NIGC, Simermeyer was the deputy chief of staff to the assistant secretary for Indian affairs at Interior.
- This will leaves just one vacancy on the Commission.
- This is not an NIGC selection; it is an additional appointment by the Secretary of Interior.
- The Dept. continues to actively engage in the search for another quality candidate, among the dozen of resumes received and names submitted.

Introduction of Staff

- I would like to take the opportunity to introduce members of the team.

- It's important to get to know each other.
- **NIGC Staff:** Chief of Staff *Shannon O'Loughlin*, General Counsel *Mike Hoenig*, Associate General Counsel *John Hay* and Staff Attorney *Esther Dittler*.

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- We have a shared goal of strengthening the regulatory structure, working hand-in-hand, with the primary regulators of Indian gaming.

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Training & Technical Assistance

- **Training:** For 2015 we tripled 2014's number of training events and trained more than 3,250 regulatory partners representing a historic 90% of gaming tribes.
 - Conducted over 400 site visits in 2015
 - All-time record 975 training events a 67% increase in 2015
- At the request of a tribe, we provide free *Internal Control Assessment (ICA)* to evaluate any risks in an operation and provide written recommendations to address those risks.
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- Since that time we've implemented Pay.gov for paying fees, utilized streaming video technology, introduced our new IT Vulnerability Assessments and launched our new website, all with an eye towards mission deliver and supporting tribal regulators.
- Appointing Travis is one more step towards our goal here at the Commission.

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- In various settings we have repeatedly laid out the Chairman's 5 priorities and 4 principles that we believe are well targeted to ensure the sound regulation of Indian gaming.
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Gamesmanship (PowerPoint)

- I'd like to take a few moments to specifically talk about my fourth principle, "Protect against anything that amounts to gamesmanship on the backs of tribes."
- What is gamesmanship? Generally defined, it is the art or practice of winning games by questionable expedients without actually violating the rules.
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- However, we cannot comment on any ongoing investigations.

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Picayune Rancheria of the Chukchansi Indians

- Point#1
- Point#2

In Closing

- We are pleased with the strides we have made embracing technology as a core function of the NIGC. The new ITVA is a prime example.
- We can go farther walking together than any of us can go it alone and our training and technical services are a free resource,
- Many thanks for having us here.

National Indian Gaming Commission

Talking Points for Chairman Chaudhuri

NIGA

Updated 3/14/2016

Greetings

- Good morning!
- Thank you for inviting me to speak today.
- For those of you who have not met me, I'm Jonodev Chaudhuri, Chairman of the National Indian Gaming Commission and a proud member of the Muscogee Creek Nation.

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- Sequoyah brings extensive Indian policy background to the Commission
- Prior to joining the NIGC, Simermeyer was the deputy chief of staff to the assistant secretary for Indian affairs at Interior.

Update on the Vacant Associate Commission Position

- U.S. Secretary of the Interior Sally Jewell has nominated Kathryn Isom-Clause (Taos Pueblo) for an associate commissioner of the National Indian Gaming Commission (NIGC).
- Isom-Clause serves as Senior Counselor to the Assistant Secretary – Indian Affairs at the Department of the Interior. In this position, she advised the Assistant Secretary on Indian gaming matters including tribal-state gaming compacts, environmental compliance issues, and revenue allocation plans. She also chaired interagency working groups on sacred sites and homelessness, and coordinated listening sessions and roundtables with tribal stakeholders. In addition, her portfolio included the restoration and protection of tribal homelands. Prior to joining the federal government, Isom-Clause served as an attorney representing tribal clients on a wide range of issues important to Indian Country.
- Kathryn Isom-Clause is scheduled to be joining the NIGC on March 21, 2016.

Introduction of Staff

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- It's important to get to know each other.
- **NIGC Staff:** Chief of Staff *Shannon O'Loughlin*, Deputy Chief of Staff *Christinia Thomas*, General Counsel *Michael Hoenig*, Compliance Director Doug Hatfield, Training Manager Steve Brewer, Acting Technology Director Travis Waldo, Phoenix Regional Director Lance Vallo, NIGC staff members, Heather Nakai, Rea Ciscernos, Delores Thomas, Frank Hernandez, Paul Bycroft, Tim Cotton, Sean Mason??, Sarah Crawford, Emily Molina, and Sally Virag.

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- Appointing Travis is one more step towards our goal here at the Commission.

Staffing Updates

- NIGC is the process of staffing the following positions:
 - Compliance Officers in the Oklahoma and Sacramento Regions
 - Auditors in the Oklahoma and Portland Regions

- IT Auditor in the field
- IT Specialist (Network) at headquarters
- Public Affairs Director at headquarters
- EEO Director at headquarters
- Assistant Director of Compliance at headquarters
- Staff Attorney at Headquarters

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Internet Gaming

- There are several different laws on internet gaming being proposed by members in the House and Senate. Some of those laws provide a role for the NIGC, and some do not.
- I am not aware that the Administration has expressed its views on any pending legislation.
- However, as with any legislation, the Commission stands ready to implement the law as enacted by Congress.
- If asked to comment on specific legislation, the Commission would gladly work to provide its views and technical assistance as needed.
- The NIGC is the only Federal Agency with experience regulating any gaming, much less tribal gaming. We understand the unique and often complex nature of tribal gaming and the difficult questions it sometimes poses related to issues such as jurisdiction and permissible gaming. Moreover, in the 25 years since IGRA created the Commission, we have worked with the gaming Tribes on a daily basis and have developed a deep knowledge of the industry.
- We recognize that internet gaming is a fairly new phenomenon and, as with any new technology, there may be a learning curve, but the NIGC has a knowledgeable and

dedicated staff that is more than capable of quickly coming up to speed on the regulation of internet gaming.

- At this time, without more details regarding what NIGC's role would be, I cannot comment on NIGC's ability to fulfill that role.
- However, NIGC is the only federal agency solely dedicated to the regulation gaming and the NIGC is staffed with trained and experienced professionals well versed in gaming.
- Like any other agency that would be tasked with new authorities through enacted legislation, the NIGC would need to evaluate its regulatory duties under any legislation to ensure that it has the staff and resources necessary to meet its regulatory responsibilities.
- The NIGC is the only Federal Agency with experience regulating any gaming, much less tribal gaming. We understand the unique and often complex nature of tribal gaming and the difficult questions it sometimes poses related to issues such as jurisdiction and permissible gaming.
- This Commission has emphasized the importance of government-to-government consultations between the NIGC and Tribes. The NIGC will consult with tribes during any regulatory review. The NIGC would consult with Tribes regarding the promulgation of any new regulations under new authorities enacted by law.

In Closing

- We are pleased with the strides we have made embracing technology as a core function of the NIGC. The new ITVA is a prime example.
- We can go farther walking together than any of us can go it alone and our training and technical services are a free resource,
- Many thanks for having us here.

Greetings

- Good morning!
- Thank you for inviting me to speak today.
- For those of you who have not met me, I'm Jonodev Chaudhuri, Chairman of the National Indian Gaming Commission and a proud member of the Muscogee Creek Nation.

Simermeyer

- It is with great pleasure that I introduce you to Associate Commissioner Sequoyah Simermeyer.
- Sequoyah was sworn in as Associate Commissioner by Interior Secretary Jewel Monday.
- Sequoyah brings extensive Indian policy background to the Commission
- Prior to joining the NIGC, Simermeyer was the deputy chief of staff to the assistant secretary for Indian affairs at Interior.

Update on the Vacant Associate Commission Position

- This will leaves just one vacancy on the Commission.
- This is not an NIGC selection; it is an additional appointment by the Secretary of Interior.
- U.S. Secretary of the Interior Sally Jewell has nominated Kathryn Isom-Clause (Taos Pueblo) for an associate commissioner of the National Indian Gaming Commission (NIGC).

- Isom-Clause serves as Senior Counselor to the Assistant Secretary – Indian Affairs at the Department of the Interior. In this position, she advised the Assistant Secretary on Indian gaming matters including tribal-state gaming compacts, environmental compliance issues, and revenue allocation plans. She also chaired interagency working groups on sacred sites and homelessness, and coordinated listening sessions and roundtables with tribal stakeholders. In addition, her portfolio included the restoration and protection of tribal homelands. Prior to joining the federal government, Isom-Clause served as an attorney representing tribal clients on a wide range of issues important to Indian Country.
- The Dept. continues to vet Isom-Clause through the process of appointment.

Introduction of Staff

- I would like to take the opportunity to introduce members of the team.
- It's important to get to know each other.
- **NIGC Staff:** Chief of Staff *Shannon O'Loughlin*, Deputy Chief of Staff *Christinia Thomas*, General Counsel *Michael Hoenig*, Compliance Director Doug Hatfield, Training Manager Steve Brewer, Acting Technology Director Travis Waldo, Phoenix Regional Director Lance Vallo, NIGC staff members, Heather Nakai, Rea Ciscernos, Delores Thomas, Frank Hernandez, Paul Bycroft, Tim Cotton, Sean Mason??, Sarah Crawford, Emily Molina, and Sally Virag.

Administration

- Under this Administration, we have had a renewed commitment to consultation, training and technical assistance and we remain committed to working with the over 5,000 tribal regulatory partners to ensure compliance, and a level playing field in Indian gaming.

- We have a shared goal of strengthening the regulatory structure, working hand-in-hand, with the primary regulators of Indian gaming.

Specific NIGC Updates

Training & Technical Assistance

- **Training:** For 2015 we tripled 2014's number of training events and trained more than 3,250 regulatory partners representing a historic 90% of gaming tribes.
 - Conducted over 400 site visits in 2015
 - All-time record 975 training events a 67% increase in 2015
- At the request of a tribe, we provide free *Internal Control Assessment (ICA)* to evaluate any risks in an operation and provide written recommendations to address those risks.
 - The ICA can also be tailored to meet the needs of an individual tribe or tribal regulator to examine a single gaming activity such as Bingo, Table Games, Gaming Machines, among others.
 - The NIGC's ICA provides a level of assurance commensurate with industry standards.
- We are also offering an *IT Vulnerability Assessments* at a tribe's request to conduct IT threat assessments and provide a report and recommendations.
 - We have several facilities already scheduled for their ITVA.
- For more information on the ICA or ITVA please visit our website at nigc.gov and training information can be found by selecting the "Request Training" tab on the home page.

- If the ICA or ITVA is something you are interested in pursuing, I encourage you to contact our Compliance Division to discuss the programs and availability.
- We believe working on the front end avoids problems on the back end.

Technology

- Back in March we announced the Division of Technology with a focus on increased and integrated technology for enhancing our regulatory mission and supporting Tribes and tribal regulators.
- Since that time we've implemented Pay.gov for paying fees, utilized streaming video technology, introduced our new IT Vulnerability Assessments and launched our new website, all with an eye towards mission deliver and supporting tribal regulators.
- Appointing Travis is one more step towards our goal here at the Commission.

Staffing Updates

- NIGC is the process of staffing the following positions:
- Compliance Officers
- Auditor
- IT Auditor
- IT Specialist (Network)
- Public Affairs Director
- EEO Director

Principles and Priorities

- In various settings we have repeatedly laid out the Chairman's 5 priorities and 4 principles that we believe are well targeted to ensure the sound regulation of Indian gaming.
- These priorities and principles are the basis for how we as a Commission approach our role as regulators.

5 Priorities

1. Active performance of regulatory duties
2. Engaging in ongoing meaningful tribal consultation
3. Staying ahead of the technology curve
4. Supporting a strong workforce both in-house and among our regulatory partners
5. Strengthening dialogue and relationships with all relevant stakeholders

4 Guiding Principles

1. Act within appropriate agency authority to address and mitigate activity that jeopardizes the integrity of Indian gaming and, by extension, the valuable self-determination tool that it represents
2. Swiftly act on anything that jeopardizes the health and safety of the public at gaming establishments, including employees and patrons
3. Engage in sound regulation without unnecessarily stymieing the entrepreneurial spirit of tribes
4. Protect against anything that amounts to gamesmanship on the backs of tribes.

Gamesmanship (PowerPoint)

- I'd like to take a few moments to specifically talk about my fourth principle, "Protect against anything that amounts to gamesmanship on the backs of tribes."
- What is gamesmanship? Generally defined, it is the art or practice of winning games by questionable expedients without actually violating the rules.
- In other words, it's the use of ethically dubious methods for gain.
- Now gamesmanship in Indian Gaming occurs when non-tribal-governmental interests manipulate business, professional and employment relationships associated with Indian gaming operations to further their own interests or agendas at the expense of the tribal gaming operation and, therefore, the tribe.
- Gamesmanship often results in the third party, or parties, violating IGRA, NIGC regulations, or the tribal gaming ordinance.
- These violations often include managing an Indian gaming operation without an approved management contract, misuse of gaming revenue, a violation of the sole proprietary interest requirement, or all of the above.
- Such gamesmanship is even more egregious when the parties engaging in said gamesmanship have undue influence over the tribal decision making process, as can be the case when the gamesmanship is facilitated by trusted tribal advisors.
- As the Chair of the NIGC, it is our priority to protect against anything that amounts to gamesmanship on the backs of tribes.
- And I need your help. Together, we can guarantee the statutory requirement of IGRA to ensure Tribes are the primary beneficiaries of their gaming revenue.

Desert Rose Bingo Opinion

- A game opinion is not final agency action it is as it states an opinion of the Office of General Counsel.
- Game Opinions are fact specific, if new facts are presented a game opinion maybe adjusted accordingly.
- In all classifications the NIGC retains the right to determine how a game should be classified under the IGRA.
- The Opinion on Desert Rose bingo determined that the game is a Class III game.
- What that means is that how the game is configured and played does not meet the IGRA definition of a Class I or Class II game.
 - The game draw takes place before the game wager is done (Cards purchased).
 - The proxy doesn't have to do anything (Just monitors system but takes no action.)

RAP information

- All information received is followed up on.
- Investigations will be and are completed if it is believed that misuse of gaming revenue occurs.
- Only 3 NOV's have been issued regarding a RAP violation by the agency. (2006, 2009 and 2010 and only 2 by P. Hogan).
- In this past year the Compliance Division has reviewed or investigated multiple allegations of misuse of gaming revenue some of which were RAP related.
- However, we cannot comment on any ongoing investigations.

- The agency does not have law enforcement authority, and does make referrals to law enforcement authorities when appropriate.

Internet Gaming

- There are several different laws on internet gaming being proposed by members in the House and Senate. Some of those laws provide a role for the NIGC, and some do not.
- I am not aware that the Administration has expressed its views on any pending legislation.
-
- However, as with any legislation, the Commission stands ready to implement the law as enacted by Congress.
- If asked by this committee to comment on specific legislation, the Commission would gladly work to provide its views and technical assistance as needed.
- The NIGC is the only Federal Agency with experience regulating any gaming, much less tribal gaming. We understand the unique and often complex nature of tribal gaming and the difficult questions it sometimes poses related to issues such as jurisdiction and permissible gaming. Moreover, in the 25 years since IGRA created the Commission, we have worked with the gaming Tribes on a daily basis and have developed a deep knowledge of the industry.
- We recognize that internet gaming is a fairly new phenomenon and, as with any new technology, there may be a learning curve, but the NIGC has a knowledgeable and dedicated staff that is more than capable of quickly coming up to speed on the regulation of internet gaming.
- At this time, without more details regarding what NIGC's role would be, I cannot comment on NIGC's ability to fulfill that role.
- However, NIGC is the only federal agency solely dedicated to the regulation of Indian gaming and the NIGC is staffed with trained and experienced professionals well versed in Indian gaming.
- Like any other agency that would be tasked with new authorities through enacted legislation, the NIGC would need to evaluate its regulatory duties under any legislation to ensure that it has the staff and resources necessary to meet its regulatory responsibilities.

- We cannot speak to the capabilities of the Department of Commerce. At this time without more details regarding NIGC's role, I cannot comment on NIGC's regulation of internet gaming.
- However, NIGC is currently the only federal agency solely dedicated to the regulation of Indian gaming and the NIGC is staffed with trained and experienced professionals well versed in Indian gaming.
- The NIGC is the only Federal Agency with experience regulating any gaming, much less tribal gaming. We understand the unique and often complex nature of tribal gaming and the difficult questions it sometimes poses related to issues such as jurisdiction and permissible gaming. Moreover, in the 25 years since IGRA created the Commission, we have worked with the gaming Tribes on a daily basis and have developed a deep knowledge of the industry.
- As with any legislation, NIGC will implement the law as enacted by Congress.
- How long NIGC would take to fully regulate internet gaming largely depends on the scope of regulatory duties assigned under any legislation.
- That being said, the Agency's Headquarters and Regional Offices are already in place and can be utilized. Presumably, NIGC could be ready to regulate in a shorter amount of time than other agencies without gaming experience.
- This Commission has emphasized the importance of government-to-government consultations between the NIGC and Tribes. The NIGC will consult with tribes during any regulatory review. The NIGC would consult with Tribes regarding the promulgation of any new regulations under new authorities enacted by law.
- The 2009 DigiDeal opinion did not address internet gaming. My understanding is that the DigiDeal card table is a stand-alone table in a casino and is not otherwise linked to other tables or the internet.
- That depends on the submitted ordinance and the specified game. But as with any ordinance, the NIGC would thoroughly review any issues and, to the extent other laws or agencies are implicated, consult within the federal family as needed.
- The Commission believes that under any legislation, Tribes should be treated as every other sovereign for the purpose of authorizing or prohibiting, as the tribe decides, regulating, and conducting gaming activity.

- Without more details regarding what games legislation would permit and whether that legislation would even adhere to IGRA's classification system, I cannot comment on NIGC's regulation of internet gambling.
- We are addressing CRIT. Although we don't have the statutory authority to promulgate or enforce MICS. We are working with Tribal regulators and gaming operations to provide technical assistance and training regarding Class III MICS. This is an approach similar to how the Commission addressed MICS issues prior to CRIT in that the Commission never took enforcement action on a MICS violation.
- Class III MICS is one aspect of the regulation of gaming. The NIGC maintains all other authority related to both Class II and Class III gaming. Moreover, all tribes have MICS. If internet gaming legislation involving NIGC is enacted into law, the NIGC will implement that law as enacted by Congress.
- These server based games are on a closed private network separate from the internet. These closed casino-to-casino connections link player stations at casinos.
- These games cannot be accessed from, nor do they take place over the internet.
- Tribes should have the same ability to regulate gaming activity within its sovereign jurisdiction as States. Just as States run lotteries or have other types of gaming in their jurisdictions to fund their government programs as well as act as regulators of those same revenue generating gaming activities, so do tribes as governments.
- Without more details regarding NIGC's role in any legislation, I cannot speculate as to any additional funding that may be needed.
- NIGC would be willing to provide technical assistance to the Committee and, as with any legislation, NIGC would implement the law as enacted by Congress.
- The NIGC's recent restructuring of its internal organization is unrelated to internet gaming. This realignment was done so that the Agency may be better prepared to respond to the needs of the industry, whatever those might be. We are designing our organizational structure to be responsive.
- We also recently completed a round of government-to-government consultation on technological advancements in the gaming industry and how the NIGC can stay current as technology advances.
- The NIGC's jurisdiction is limited to activities taking place on Indian lands. If internet gaming is offered, and individuals outside of Indian lands are participating, then this activity would not be authorized by IGRA. If the NIGC has evidence that a violation of

criminal law is occurring it is obligated to refer this information to the appropriate authorities. NIGC is the only federal agency with experience regulating gaming. As such, we stand ready to regulate any gaming authorized under IGRA.

In Closing

- We are pleased with the strides we have made embracing technology as a core function of the NIGC. The new ITVA is a prime example.
- We can go farther walking together than any of us can go it alone and our training and technical services are a free resource,
- Many thanks for having us here.