



August 12, 2021

Mr. E. Sequoyah Simermeyer, Chairperson  
National Indian Gaming Commission  
U.S. Department of the Interior  
1849 C Street, NW – Mailstop #1621  
Washington, DC 20040

Submitted electronically to [NIGC.outreach@nigc.gov](mailto:NIGC.outreach@nigc.gov)

*Re: Consultation A Series*

Dear Chairman Simermeyer,

On behalf of the Oneida Nation, I am submitting comments to the National Indian Gaming Commission's Consultation A Series.

### **NIGC Consultation Policy**

The Oneida Nation is pleased with the outreach to Tribes under the current NIGC leadership. With the tremendous responsibilities the NIGC has, it is important that the NIGC engage with Tribes on a consistent basis.

In addition, the NIGC requested Tribes to answer the following questions. Answers are provided below.

*How can technology be used to broaden the impact of the NIGC's consultation efforts?*

- Although the use of technology cannot replace the face-to-face dialogue that occurs during consultation, the Nation appreciated the use of technology to host virtual consultations and trainings throughout the pandemic. The use of technology allowed greater participation by our elected and organizational leadership. In the future, the Nation would support in-person consultation coupled with the ability to attend virtually.
- With many federal agencies hosting consultation sessions, it would be helpful if consultations can be done in conjunction with other federal agencies.

*What procedures or practices impede a robust exchange of information during a consultation process and how might the Agency address its protocols in order to maximize tribal governments' participation in NIGC hosted consultations?*

- Tribal Nations in Indian Country experience similar issues in our tribal gaming facilities. Allowing for written responses prior to the actual consultation would allow the Tribes and NIGC to identify similar issues of concern so the issues can be addressed at the consultation.
- Notice of consultations continues to be an issue. With email being the primary means of timely communication, we would suggest a listserv designating two to four points of contact to be notified of upcoming consultations and events.
- During consultation sessions, we respectfully request time limits for speakers and comments/questions.

### **NIGC Strategic Plan**

To enhance the NIGC's Strategic Plan, the Nation would like the NIGC to enhance its efforts to advocate for Tribal Gaming. The Tribal Gaming industry is an industry that brings about economic opportunities for employment, regional economic impact, and revenue for Tribes. However, the Tribal Gaming Industry is also one of the most regulated industries in the United States and, and we would like NIGC to continue to promote that aspect of Tribal Gaming.

### **25 C.F.R. § 514.4(c) – Fees**

The Nation supports the deduction of free play from the calculation of assessable gross revenue, as we consider free play is a promotional expense. The proposed language is unclear and we would recommend the following language;

*“For purposes of computing fees, assessable gross revenues for each gaming operation are the total amount of money wagered on class II and III games, plus entry fees (including table or card fees), less any amounts paid out as prizes or paid for prizes awarded, **less any promotional credits**, and less an allowance for capital expenditures for structures as reflected in the gaming operation's audited financial statements.”*

The Oneida Nation appreciates the opportunity to participate in the NIGC consultation. If you should have any questions please contact me at [thill7@oneidanation.org](mailto:thill7@oneidanation.org).

Sincerely,

*Tehassi tasi Hill*

Tehassi tasi Hill, Chairman  
Oneida Nation

Cc: Oneida Nation Gaming Commission  
Louise Cornelius, Gaming General Manager