

**Background investigations of vendors, equipment manufacturers & consultants,  
if included in an approved tribal gaming ordinance**

Currently, the NIGC processes fingerprints submitted by Tribes for purposes of conducting background investigations on primary management officials and key employees. Under IGRA, 25 U.S.C. § 2706(b)(3), the Commission “shall conduct or cause to be conducted such background investigations as may be necessary.” Consultation B seeks Tribes’ views on whether NIGC should promulgate regulations for backgrounding— and submitting fingerprints for —gaming vendors, suppliers, equipment manufacturers, and consultants with physical or logical access to gaming machines, systems, software, supplies, cash and cash equivalents or secured/restricted areas of gaming operations as defined by tribal gaming authorities. Such background investigations would be mandatory if included in a gaming ordinance approved by the NIGC Chair.

To this end, what are Tribes’ views on who warrants backgrounding? Should the determination be made based upon access as described above, job duties, a ten percent or more ownership interest in the company, or all of these criteria? And how should these criteria be qualified or defined? Should access be limited to *routine* access? What job duties do Tribes believe warrant backgrounding? What other factors, if any, should be considered? Further, must licenses be issued to these individuals?

As to Class III gaming, compacts may require some states to conduct significant background investigations on prospective vendors. Those states typically maintain a matrix of approved vendors. Should the NIGC exempt individuals from state-approved vendors from the background investigation process? Or limit the investigation requirements? What do Tribes suggest should be included for limited investigation submissions?

Instead of promulgating these regulations, would it be better if the Commission used its authority under IGRA, 25 U.S.C. § 2708<sup>1</sup>, to request information from other government agencies, such as FBI, IRS, FinCEN, and OFAC, to provide information necessary for NIGC investigations of potential bad actors associated with gaming vendors, suppliers, equipment manufacturers, and consultants? Potential violations of law then could be referred to appropriate law enforcement, including federal, state, and tribal civil and criminal law enforcement agencies.<sup>2</sup>

---

<sup>1</sup> “The Commission may secure from any department or agency of the United States information necessary to enable it to carry out this chapter. Upon the request of the Chairman, the head of such department or agency shall furnish such information to the Commission, unless otherwise prohibited by law.”

<sup>2</sup> See 25 U.S.C. § 2716(b) (“The Commission shall, when such information indicates a violation of Federal, State, or tribal statutes, ordinances, or resolutions, provide such information to the appropriate law enforcement officials.”).