



Re: Final draft CHRI MOU

Dear Tribal Gaming Regulator:

Thank you for your feedback on the Commission's recent round of proposed changes to its Criminal History Record Information (CHRI) Memorandum of Understanding (MOU). The majority of your comments and suggestions have been incorporated into a final draft. Please review this final draft CHRI MOU (attached hereto) and provide your comments by **June 30, 2021**.

Procedural background

The Commission published two drafts of its CHRI MOU, seeking comments on each draft from Tribal Gaming Regulatory Authorities (TGRAs). The two drafts of the CHRI MOU were distributed by letter to TGRAs on November 13, 2020 and February 18, 2021, respectively. This correspondence requested comments and suggestions on each draft so that the final MOU may be implemented in a manner that causes minimal disruption and/or expense to tribes.

The first draft was posted on the NIGC website with a video explaining the proposed MOU changes. As part of the first CJIS Symposium in December 2020, NIGC hosted a one-hour panel discussion providing an overview of the proposed changes and responded to audience questions.¹ Eleven TGRAs submitted feedback on the first draft, providing general and specific suggestions. Some explicitly requested "further dialogue and consideration." while others expressed that tribal and NIGC interests "are achievable if we continue to engage in meaningful discussion" The Commission, therefore, decided to share its second draft with TGRAs for another round of comments and suggestions.²

The second draft resulted in six TGRAs responding with explicit comments. Of the six responses, two TGRAs "welcomed the prospect for further dialogue on this matter." Accordingly, the Commission shares this final draft to ensure that all TGRAs and their

¹ On December 1, 2020, 615 representatives from 195 tribes participated in the session.

² The first and second draft MOUs and their transmission letters are posted and accessible on the NIGC website under the CJIS Training : <https://www.nigc.gov/compliance/CJIS-Training-Materials>

governments have an opportunity to comment, convey their views, and recommend final changes.

Final draft

The final draft MOU is attached in two formats: a clean copy and a redline/strikeout copy, showing the second round of tribal suggestions, their incorporation or an explanation for their rejection. As a result of tribal recommendations, the most significant change incorporated into the final draft is a two-step suspension of services/termination-of-MOU process, where terminations are based upon specific grounds. Also due to a tribal suggestion, NIGC will promptly notify TGRAs of any impending FBI audit after being provided notice of the audit by the FBI.

Another very important change is the addition of two provisions to ensure that the MOU applies to any new regulatory definitions of key employees and/or primary management officials. As announced in the June 9, 2021 Dear Tribal Leader Letter, the Commission intends to consult with tribes on such definitions. As the final MOU will apply to any regulatory changes, the parties will not have to reenter a new MOU if the regulations are finalized.

Next steps

Please note that this is the final round of comments on the CHRI MOU. Your input is requested by **June 30, 2021** via NIGC.Outreach@NIGC.gov. The NIGC appreciates and values your comments and suggestions which will be considered in finalizing the MOU. Once final, the MOU will be distributed to TGRAs for their signature.

Should you have any questions or need further assistance, please contact me at Jun_Kim@nigc.gov.

Sincerely,

Jun M. Kim
Chief Information Officer
CJIS Systems Officer

Attachments