



September 13, 2021

Dear Tribal Leader:

As previously shared in a June 9, 2021 letter [found here](#), beginning on September 13, 2021 the NIGC will start Consultation Series B, the second in a series of 3 tribal consultations. This series will conclude on November 1, 2021. This letter is to provide an update on this consultation series, and information on virtual meeting registration and comment submission.

This series focuses on opportunities to provide greater stability in NIGC operations, more flexibility in and assistance to Indian gaming's response to the pandemic, and considerations around the Commission's role in self-regulation certification, appeals, and background investigations. The Agency anticipates that this consultation could lead to the promulgation of new regulations as well as additional dialogue with tribes and stakeholders. Additional framing material may be found at <https://www.nigc.gov/commission/tribal-consultation-2021>. Between September 13, 2021, and November 1, 2021, the Commission will receive written comments and host three nation-wide video conferences. A list of consultation topics is provided below.

- 25 C.F.R. § 571.12 – Audit standards: The Commission seeks your input on proposed amendments to Part 571 to relieve financial and temporal burdens imposed on small and charitable gaming operations by reconsidering the requirement that they conduct an annual independent audit of the financial statements.
- 25 C.F.R. § 571.12(b) and 571.13 - Audits: The Commission seeks input on whether disclaimed or adverse audited or reviewed financial statements satisfy the requirements of 571.12(b), and whether the submission of disclaimed or adverse audits meet the requirements of 571.13.
- 25 C.F.R. Part 518 – Self Regulation of Class II Gaming: The Commission seeks your input on amendments to Part 518 to simplify self-regulation procedures. The Commission seeks to reduce the time it takes to obtain a certificate of self-regulation and clarify the Office of Self-Regulation's functions. The Commission also seeks to clarify the submission requirements for tribes with a certificate of self-regulation to ensure consistent NIGC practices, and explore the value of an annual Commission summit to promote and discuss best industry practices among self-regulated gaming operations.

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REGIONAL OFFICES Portland, OR; Sacramento, CA; Phoenix, AZ; St. Paul, MN; Tulsa, OK; Oklahoma City, OK; Rapid City, SD

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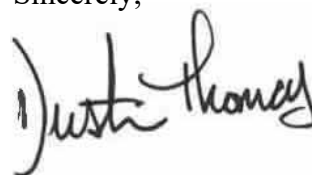
- 25 C.F.R. Part 514– Fees: The Commission seeks your input on NIGC fee regulations, including: exploring a mechanism to adjust the year against which the fee rate is assessed to respond to extreme and unexpected variations in the industry; mandating a process for reporting on the carry-over status at fiscal year-end; requiring a budget commitment to maintain a two-quarter transition fund; and considering guidelines for the fee rate calculation for self-regulated tribes.
- 25 C.F.R. subchapter H – Appeal proceedings before the Commission: The Commission seeks your input on updates to the Agency’s appeal regulations designed to expedite the process, allow the Commission to decide appeals in less time, and clarify the authority and process for settlement agreements.
- 25 U.S.C. § 2706(b)(3) – Powers of the Commission: The Commission seeks your input on adopting a rule to implement the Commission’s authority pursuant to IGRA to conduct necessary background investigations.

The following are opportunities for tribal engagement regarding these topics:

- **Virtual Meeting.** We invite you to participate in a virtual meeting on **September 21, 2021 from 9:00 a.m. – 12:00 p.m. EST, September 22, 2021 from 1:00 p.m. to 4:00 p.m. EST or October 21, 2021 from 1:00 p.m. – 4:00 p.m.** Each meeting will cover the same information and agenda. You may register using the following link:
 - September 21, 2021: 9:00 a.m. – 12:00 p.m.
 - [Zoom Registration Link](#)
 - September 22, 2021: 1:00 p.m. – 4:00 p.m.
 - [Zoom Registration Link](#)
 - October 21, 2021: 1:00 p.m. - 4:00 p.m.
 - [Zoom Registration Link](#)
- **Comments.** NIGC has published draft documents and proposed changes to the aforementioned topics which can be found at <https://www.nigc.gov/commission/tribal-consultation-2021>. Written comments will be accepted from **September 13, 2021 to November 1, 2021** and can be submitted to NIGC.Outreach@nigc.gov.

We hope that you will be able to join us for this important discussion and value your participation. For questions or assistance, please contact Acting Communications Manager Mary Parker at 202-336-3470 or mary.parker@nigc.gov, or Chief of Staff Dustin Thomas at 202-531-6407 or dustin.thomas@nigc.gov.

Sincerely,



Dustin Thomas