



October 1, 2021

Aaron A. Payment,
EdD, EdS, MEd, MPA

Tribal Chairperson

Dustin Thomas, Chief of Staff
National Indian Gaming Commission
1849 C Steet, N.W.,
Mail Stop #1621
Washington, D.C. 20240

Dear Mr. Thomas:

Address:

523 Ashmun St.
Sault Ste. Marie,
MI 49783

Phone:

906.440.5937

Email

aaronpayment@saulttribe.net

FaceBook

'Aaron Payment'

Since the pandemic began, the Tribal gaming commission and our Tribal gaming enterprises have gained insights that we believe would be helpful to share with the NIGC as you work to improve the Agency's operations and engagement with Tribes, Tribal gaming commissions, and Tribal enterprises. One area we would like to commend the NIGC on is the NIGC's continuing effort to work with the industry to be safe and secure and compliant with all applicable laws and regulations. The philosophy the NIGC has taken is to work with Tribal gaming operations and not to be a punitive regulator. This philosophy ensures compliance, protecting the integrity of the Tribal gaming industry, but does not impose unnecessary penalties on tribal gaming operators.

One of the lessons learned from the pandemic is that most workplaces, including tribal gaming commissions, have adapted to work virtually very successfully. However, we have found the continuity of our work has been impacted by the NIGC's continued requirement that documents be received in hard copy, including ordinances, audits, and background checks. These documents can be provided to the NIGC virtually, and the need to engage and mail/fax documents for the Agency to receive hard copies is not necessary. This is especially critical in the dynamic gaming industry, where the timing for licenses, background checks, approval letters, or declination letters impact the integrity and viability of the industry. Thus, we would encourage the Agency to continue to work on the appropriate platforms to receive and review data and information, such that this can happen in real time and does not have to rely on a person being in the physical space. Specifically, regarding background checks, we think creating a portal for submission for relevant information is critical to ensuring the continued integrity of the Indian gaming industry and would be consistent with industry standards in other jurisdictions.

In this regard, we would suggest a central access portal for all NIGC services would be beneficial. This would be like the FBI Law Enforcement Enterprise Portal (LEEP), which is a secure platform for all law enforcement entities to come together and share information and upload relevant information. We think the NIGC's goals should be to achieve universal continuity in gaming oversight and regulation across Indian Country.

The NIGC requested comments about audit standards related to small and

charitable gaming events. Specifically, amendments to 25 C.F.R. § 571.12. 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.

The Sault Ste. Marie Tribe of Chippewa Indians believe it is important to amend the current regulations to relieve the burdens imposed on small and charitable gaming activities. In many tribal communities, these activities support important cultural events, or school trips or community celebrations. The income generated, while important to community organizers of these events, is not substantial, often it is less than \$10,000. Many charitable gaming event organizers cannot afford the costs associated with securing an independent audit. The regulation should provide some flexibility to allow a Tribal gaming commission to govern these activities as “Class I Traditional Games.” Thus, an organizer could seek a license from a tribal gaming commission to conduct an activity. As part of the license, the applicant would be required to report to the Tribal gaming commission the income generated from the activity and if it is less than \$50,000, the organizers would be exempt from the requirement of an annual independent audit.

We agree with the proposal that as the NIGC sets its fees it should exclude from the total amount wagered, amounts wagered that the gaming operation can demonstrate were issued by the gaming operation as promotional credits.

Thank you for the opportunity to comment on this important topic.

Respectfully,



Aaron A. Payment