



January 26, 2022

NIGC Chairman Simermeyer
National Indian Gaming Commission
Department of Interior
1849 C Street NW Mail Stop #1621
Washington, DC 20002

Subject: NIGC Consultation Series C

Dear Chairman Simermeyer:

The Yakama Nation Tribal Council has received an invitation to participate in a consultation with the National Indian Gaming Commission on Series C.

#1. 25 C.F.R. Parts 543 and 547 – Minimum internal control standards and minimum technical standards: Gaming technology and risks have changed significantly since the NIGC implemented its current minimum internal control standards and technical standards. The Commission is seeking your input on matters related to technological enhancements and technology threats.

Comment:

We agree with the recommendation of NIGC providing training and guidance to be available for all Tribes would be great tools to assist Tribes who may or may not have the capability to keep up with evolving technological advancements to provide support. We recognize cybersecurity threats and vulnerabilities can impact the confidentiality, availability, and integrity of IT networks and devices connected to these networks. Computer security, cybersecurity, or information technology security (IT security) is the protection of computer systems and networks from information disclosure, theft of or damage to their hardware, software, or electronic data, as well as from the disruption or misdirection of the services they provide. A regulation guideline should be implemented in technology standards.

- Guidelines would include cybersecurity is a new threat and should improve technology standards to protect the tribe/customers/employee/vendor personal information or sensitive data.
- Guidelines that need improved protection are the overall network, devices, and data from unauthorized access or criminal use to ensure it remains confidential.

- Guidelines for firewall and antivirus are ways to lessen the threat of cybersecurity to gain access to the overall internal network or databases/computers that contain personal/sensitive data.
- Cloud base backups are not an option in Washington for Class III gaming. Currently the casino has an off-site backup solution and if a disaster or cyber threat were to occur, the data would be backed up off-site.
- Include guidelines to assist Tribal casinos with a formula that determines the amount of insurance casinos should acquire in the event of a cyber threat/attack.

#2. 25 C.F.R. § 522.4(b)(7) – Approval requirements for class II ordinances; 25 C.F.R. § 573.4(a)12 – When may the Chair issue an order of temporary closure; The Commission seeks your input on whether the requirement that a tribe construct and operate its gaming operation in a manner that adequately protects the environment, public health, and safety extends to issues related to cybersecurity.

Comment:

We do not agree with this addition. Cybersecurity by definition standards belongs under technology standards and not in the public health and safety. A temporary closure issued by NIGC on issues related to cybersecurity would have a negative impact to the tribe's ability to govern. If left in, it is recommended additional language be added that NIGC is to make every effort to mitigate any issues before the Chair issues an order of temporary closure. The effect of a closure to a Tribal Casino will result in a loss of revenue and would be detrimental to not only the Tribe but the surrounding communities.

#3. 25 C.F.R § 573.4(a) – When may the Chair issue an order of temporary closure: The Commission is seeking your input on adding misuse of net gaming revenues to the list of substantial violations for which the NIGC Chair may issue a temporary closure order.

Comment:

We do not agree and it is the recommendation this section should not be revised as temporary closure will hinder tribes. Other regulatory sanctions should be taken and not immediate closure. Currently precedence has been set and NIGC has issued closures after exercising all other regulatory compliance sanctions, all efforts should be exhausted to mitigate the issues before a closure is issued. The current regulation meets statutory compliance therefore it does not need revision.

#4. 25 C.F.R. Part 537 – Background investigations for person or entities with a financial interest in, or having management responsibility for, a management contract: Since the NIGC first issued regulations related to contract review, the practices and procedures the agency uses in conducting those reviews has continued to evolve. The Commission seeks to engage in a discussion as to how the NIGC may modify its regulations to provide more transparency, accountability, and efficiency in its contract reviews.

Comment:

Currently our Tribe does not have suggestions and feel the current regulation is sufficient and believes NIGC meets the statutory responsibility.

In relation to Tribal Gaming, TGRA's have the primary regulatory role. The Yakama Nation Gaming Commission are the primary regulators on property for the Yakama Nation, we hereby request NIGC to continue to work with Yakama Nation Gaming Commission to provide support and training in all areas of Series C Consultation.

Thank you for the opportunity to provide comments on Series C Consultation.

Sincerely,

A handwritten signature in black ink that reads "Delano Saluskin". The signature is written in a cursive, flowing style.

Delano Saluskin
Chairman

Cc: Law and Order Committee Members
Yakama Nation Gaming Commissioners