

Media Contact:
Monique Fontenot
(301) 751-4981
Monique.Fontenot@nigc.gov



FOR IMMEDIATE RELEASE

NIGC Publishes Final Rule Defining Key Employees/Primary Management Officials, Streamlines Gaming Operations

WASHINGTON, D.C. Sept. 11, 2023 –The National Indian Gaming Commission (NIGC) published the Definitions; Background Investigation for Primary Management Officials and Key Employees; Gaming Licenses for Primary Management Officials and Key Employees final rule in the Federal Register Aug. 15, 2023. The [final rule](#) is effective Sept. 14, 2023.

NIGC began the rulemaking process in July 2021, issuing a consultation proposal for regulatory changes. Specifically, the Commission sought to:

- Address the Federal Bureau of Investigation’s concern that certain aspects of the “key employee” and “primary management official” definitions were too broad;
- Clarify key employees and primary management officials are such because of their duties, functions, or responsibilities, even if they work for an entity other than the gaming operation;
- Allow Tribes the option of designating Tribal Gaming Regulatory Authorities (TGRAs), Security personnel, IT personnel and other employees of the Gaming Enterprise as key employees or primary management officials;
- Add General Managers to the primary management official definition; and
- Simplify licensing information retention requirements.

After two consultations and closely considering comments received, this final rule permits tribes to designate other Gaming Enterprise employees as key employees and other employed Gaming Enterprise management officials as primary management officials, including TGRA personnel. Further, the key employee definition no longer sets forth a wage threshold but includes in the definition a gaming operation's four most highly compensated persons. The final rule also strikes the terms “independent” and “governmental” from the TGRA definition, aligning it with the corresponding definition in NIGC regulations, part 547. Lastly, license revocation decisions only require tribes to notify the NIGC of the revocation and provide a copy of the decision.

These changes are part of a longstanding commitment from the Agency to the tribal gaming community to ensure regulatory requirements are clear, conform to NIGC and industry best practices, and align with the Indian Gaming Regulatory Act (IGRA). This is one of eight rule changes resulting from the 2021 consultation series.

Individuals or organizations wishing to learn more about the changes can [register here](#) for a virtual training session, held Sept. 28.

###

The National Indian Gaming Commission’s mission is to support tribal self-sufficiency and the integrity of Indian gaming through effective regulation. Together with tribes and states, the NIGC regulates more than 500 gaming establishments operated by nearly 250 tribes across 29 states. To learn more, visit www.nigc.gov and follow us on [Facebook](#), [Twitter](#), and [LinkedIn](#).