



July 12, 2021

Dear Tribal Leader:

In a June 9, 2021 Dear Tribal Leader letter, found [here](#), the National Indian Gaming Commission (NIGC) announced its tribal consultation plan and topics for calendar year 2021. This letter is to provide an update on our consultation series and information on how to register for upcoming virtual meetings.

Starting on July 12, 2021 the NIGC will begin Consultation Series A which will conclude on August 12, 2021. This series will center on topics the Commission views as requiring clarification in order to reflect the current practices or expectations of tribal governments, the NIGC, and/or the tribal gaming industry. The NIGC anticipates that this consultation may lead to regulatory updates through the public rule making process. Additional material along with an [informational video](#) regarding this consultation series can be found at <https://www.nigc.gov/commission/tribal-consultation-2021>.

The following topics are scheduled to be reviewed and discussed:

- **NIGC Consultation Policy:** In July of 2013, the NIGC adopted a robust consultation policy detailing how the Commission will engage with tribes on a government-to-government basis. The policy states that the “Commission shall review its existing [consultation] practices and revise them as needed.” In addition, President Biden recently issued a Presidential Memorandum directing Agencies to review their consultation plans to ensure they meet the requirements of Executive Order 13175. Although that Presidential Memorandum and the underlying Executive Order do not apply to the NIGC because of our unique status, we nonetheless recognize the importance of tribal consultation and that our mission, and the complex and technical nature of the industry we regulate, places its own imperative on the NIGC to engage in government-to-government consultation. In furtherance of the NIGC’s existing consultation policy and in the spirit of the Presidential Memorandum, the Commission seeks your input on NIGC’s government-to-government consultation.
- **NIGC Strategic Plan:** Every four years, the National Indian Gaming Commission is required to update the Agency’s strategic plan. The Commission will update tribal leaders, and seek meaningful input on its draft strategic plan, which provides a concrete basis for establishing goals, and the strategies by which the Agency will achieve those goals.
- **25 C.F.R §§ 502.14; 502.19 – Definitions of Key Employee and Primary Management Official:** The Commission seeks your input on a change to NIGC definitions of Key Employee and Primary Management Official that will allow the NIGC to process fingerprints for Tribal Gaming Commission Employees and other employees of the gaming operation. The Commission also seeks input on changing 502.14(b) to increase the cash compensation that establishes an employee as a “key employee”.



- 25 C.F.R. § 559.2(b) – Facility License Notifications and Submissions: The Commission seeks your input on revising § 559.2(b) of the regulation to modify the requirement that facility license notice submissions include a name and address of the proposed gaming facility.
- 25 C.F.R. Part 552 – Submission of Gaming Ordinance or Resolution: The Commission seeks your input regarding changes to submission requirements for gaming ordinance reviews. Specifically, the Commission wishes to ensure more manageable requirements for initial ordinances by tribes that have not yet established regulatory bodies to promulgate regulations. In addition, it is considering clearer regulatory requirements for ordinance provisions related to license suspensions. The Commission seeks to modify requirements in order to make NIGC practices more consistent with IGRA and ease unnecessary burdens on tribal submissions.
- 25 C.F.R. § 514.4(c) – Fees – How does a gaming operation calculate the amount of the annual fee it owes: The Commission seeks your input on amending its regulation to specify that Free Play should be deducted from the calculation of assessable gross revenue.
- 25 C.F.R. § 537.1(a)(3) – The Commission seeks your input on amending the § 537 to reduce the number of background investigations the NIGC conducts for each management contract by requiring investigations for those individuals and entities who have 10% or greater interest in the contract, rather than 10 individuals and any entities with the greatest interest in the contract. This change will ensure that NIGC regulations are consistent with the explicit requirements of IGRA and reduce the burden and cost of a management contract review thereby encouraging industry compliance.

The following are opportunities for tribal engagement regarding these topics:

- **Virtual Meeting.** We invite you to participate in a virtual meeting on July 27, 2021 from 9:00 A.M. – 12:00 P.M. EST or July 28, 2021 from 1:00 P.M. – 4:00 P.M. EST. The separate meetings will cover the same information and allows for an additional opportunity for attendance. You may register by using the following links:
 - July 27th: 9:00 A.M. – 12:00 P.M.
 - <https://www.zoomgov.com/meeting/register/vJltdOCvqzgpHPR7GrFYuu1Q4mMUH0YkbtI>
 - July 28th: 1:00 P.M. – 4:00 P.M.
 - https://www.zoomgov.com/meeting/register/vJltdesqzkjEhyqUEFtD_aXlTrAdchdVtc
- **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 July 12, 2021 to August 12, 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 Communications Manager (A) Mary Parker at 202-336-3470 or mary.parker@nigc.gov. You may also contact Chief of Staff Dustin Thomas at 202-531-6407 or dustin.thomas@nigc.gov.

Sincerely,

A handwritten signature in black ink that reads "Dustin Thomas".

Dustin Thomas
Chief of Staff