



July 19, 2019

**Re: CHRI MOU Compliance Update – Immediate Discontinuation of Fingerprinting
TGRA Employees and Commissioners**

Dear Tribal Gaming Regulator:

The National Indian Gaming Commission (NIGC) continues updating requirements for processing fingerprints and disseminating Criminal History Record Information (CHRI). These updates are a result of a request by the Federal Bureau of Investigations (FBI). Tribes are permitted to submit fingerprints to the FBI through the NIGC to obtain and use CHRI if they have an executed Memorandum of Understanding (MOU) with the NIGC. Attached is a sample of the current MOU, which lists the requirements of the FBI and the NIGC. Under the MOU, tribes are subject to any additional restrictions imposed by the FBI on the dissemination and use of the CHRI (in addition to those imposed by the NIGC).

The purpose of this letter is to provide clear guidance to the Tribal Gaming Regulatory Authority (TGRA) with regard to submitting fingerprints for TGRA employees and Commissioners through the NIGC for processing and access to FBI CHRI. NIGC's authorization to disseminate FBI CHRI to tribes is contingent on a tribe's participation in an official use of the CHRI. The official use of CHRI, as constrained by current NIGC regulations, is limited to individuals designated as key employees or primary management officials that perform work functions for, or manage, the gaming operation. The NIGC's official use of FBI CHRI for licensing purposes does not extend to TGRA employees because, excepting the atypical case where the gaming operation and TGRA are one entity, TGRA employees and Commissioners do not perform work functions for, or manage, the gaming operation. Tribes are therefore not participating in an official use of CHRI when the tribe submits TGRA employee or Commissioner fingerprints to the NIGC for processing.

If your tribal gaming ordinance and/or your state tribal gaming compact require TGRA employees and Commissioners to be licensed under 25 C.F.R. §§ 556 and 558, the NIGC will continue to accept your 556 (Notice of Results) and 558 (Issuance of License) submissions.

However, effective immediately, the NIGC cannot process the TGRA employee or Commissioner fingerprints and provide you with a CHRI for this purpose.

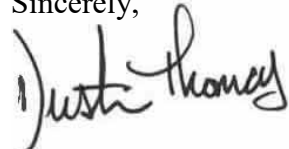
The NIGC has updated its training modules for Backgrounding and Licensing to include the above outlined information and will be providing the trainings at all future Regional Training Conferences and site specific training engagements.

Over the next two years, the NIGC and the FBI will be working to migrate the NIGC's policies on the use and dissemination of CHRI from our last/previous agreement with the FBI established in 1993 to include additional applicable standards and protocols established under the National Crime Prevention and Privacy Compact Act of 1998, the National Crime Prevention and Privacy Compact Council and the CJIS Security Policy.

Be on the lookout for future updates, training opportunities and on-site discussions. The NIGC recognizes the access to CHRI it provides the TGRA is vital and we are willing to assist the TGRA in implementing or clarifying any requirements under the MOU.

Should you need further assistance, please do not hesitate to contact your Compliance Officer or Region Director.

Sincerely,

A handwritten signature in black ink that reads "Dustin Thomas". The signature is written in a cursive style with a large initial "D".

Dustin Thomas
Director of Compliance
National Indian Gaming Commission