



July 19, 2022

Via Electronic Mail

(nigc.outreach@nigc.gov)

Chairman Sequoyah Simermeyer
National Indian Gaming Commission
90 K Street NE, Suite 200
Washington DC 20002

Re: Proposed Regulation Changes – Definition of Key Employee

Dear Chairman Simermeyer:

I write on behalf of the Yocha Dehe Wintun Nation to express our support for the proposed changes to 25 C.F.R section 502.14, and in particular, the revision to part 502.14(b).

We were very disappointed when the NIGC, apparently under pressure from the FBI, no longer allowed the tribes to rely on part 502.14(d) to protect the integrity of their gaming operations. As you know, that section provided tribes the flexibility to designate particular individuals as “key employees” and, therefore, make them subject to a complete background check. We believe a primary purpose of the NIGC’s regulations is to assist tribes in keeping their operations as safe as possible. From our perspective, however, the tribes, and not the FBI or NIGC, are best suited to determine how to accomplish that goal in the context of their own gaming operations. It is indisputable that our inability to make that key employee determination reduced our ability to protect the Tribe itself, our employees, the public and the integrity of the Tribe’s gaming operation.

The proposed change to part 502.14(b) returns to the tribes at least some of the ability to protect their operations by designating as “key employees” persons with unescorted access to secure areas of the gaming operation. The only suggestion we make is to replace the word “person” with something like “tribal employees” to make clear that individuals such as vendors or consultants not employed by the tribes are not subject to the fingerprinting requirement of part 556.4(a)(14).

Sincerely,

Anthony Roberts
Tribal Chairman

Yocha Dehe Wintun Nation

PO Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2143 www.yochadehe.org