



Consultation Topics

Discussed as a part of Consultation Series C Virtual Sessions
January 11, 12, 18, and 25, 2022

25 C.F.R. §§ 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.

1. In addition to or instead of regulatory requirements, should the NIGC consider other tools such as additional guidance or additional training efforts in order to promote awareness and strengthen cyber security practices?
2. At the outset of 2020, the NIGC reviewed its regulations to make sure that the regulations did not discourage the use of technology throughout the industry. For example, the NIGC considered the specific question of whether its regulations hindered TGRA's ability to review an operation's adoption of cashless wallet systems. Do existing NIGC requirements create any unintended limits on tribes' ability to implement, regulate, or review new technologies?
3. Data storage approaches are an important part of mitigating risk in the area of cybersecurity. These approaches include the use of cloud-based technology and approaches that allow for tribes to rely on external cyber security expertise to maintain strong data protection practices. What should the NIGC know about the approaches tribal law makers are making with regard to cloud-based storage investments and external

vendor services?

4. What changes should the NIGC consider to strengthen cybersecurity for Indian gaming operations?

25 C.F.R. § 522.4(b)(7); 25 C.F.R. § 573.4(a)12 – 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.

1. Should the Agency look to update the EPHS interpretive rule to include the potentially harmful and life altering results of a data privacy breach?
2. What should the Agency's role be in promulgating standards and requirements for cybersecurity, and does that intersect with the Agency's existing role of ensuring public health and safety?
3. What existing cybersecurity considerations are informing tribal lawmakers' decisions in this area?
4. How are existing record maintenance requirements potentially impacted by a data breach and could this impact the integrity of data?

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.

1. Given IGRA's intent and requirement that the Tribe be the primary beneficiary of its gaming operation, do you view misuses of net gaming revenue as warranting a TCO? Are there circumstances or a level of misuse that you think would warrant a closure order for misuse of net gaming revenue?

2. There are currently 13 substantial violations for which the Chair may issue a TCO. What would be the impact of adding misuse of net gaming revenue to the list of substantial violations?

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.

1. What regulatory updates would provide additional transparency, accountability, and efficiency in the NIGC Chair's contract review and background investigation process?
2. How might technology provide more efficiency and lower cost in this process?
3. Should the NIGC consider adopting other jurisdictions' best practices in the area of background investigation processes?