

CHAIRMAN
RUDOLPH H. WAMBSGANS, III

COMMISSIONERS
BOBBY PIERITE, SR.
SHELIA AUGUSTINE
AUBERY NEWMAN (1940-2002)
CATHERINE PIERITE FARBE (1953-2021)

COMMISSIONER EMERITUS
CECIL WILLIAMS (1929-2022)



September 9, 2022

Reference: National Indian Gaming Commission (NIGC) Rulemaking Authority

The National Indian Gaming Commission
The Honorable E. Sequoyah Simermeyer
Chairman
1849 C Street NW
Mail Stop #1621
Washington DC 20240

SUBJECT: Proposed Changes to 25 C.F.R. Parts 502, 556, & 558; Definitions & Background Investigations and Licensing Regulatory Provision.

Chairman & Commissioners,

I am writing on behalf of the Tunica-Biloxi Tribe of Louisiana Tribal Gaming Commission (TBTGC) with regards to the above subject. On August 10, 2022, the NIGC published its revised proposal for redefining Key Employee (Key) and Primary Management Official (PMO) with substantial amendments to 25CFR Parts 502, 556 and 558. These proposed changes are a direct result of recent updates to the NIGC fingerprint processing procedures and the manifestation of CJIS compliance requirements.

The proposed rule changes were noticed July 12, 2021, as part of the tribal consultation series and held only two (2) virtual consults which subsequently only provided for and received seventeen (17) written comment submissions from tribes. The definition changes included in the August 2022, proposed rule for Key and PMO differ significantly from the language originally proposed by the NIGC in July 2021, thus creating some confusion. The effect of the difference could cause tribes to fall out of the parameters established for CJIS compliance, which most tribes have worked diligently for the past three (3) years to attain.

As a result of the latest changes to the proposed 2021 language which only provided for 30-day review of the new language, the TBTGC finds that there has not been sufficient time to provide for a proper consultation timeframe for most tribes to consider the affect the language change may have to ensure the tribes are best served and protected and fully comply. Therefore, the TBTGC respectfully recommends that the NIGC postpone publishing the proposed changes until

the NIGC can fully provide for true consultations with tribes. Additionally, further justification is provided below in support of postponement is as follows:

1. The limited prior consultation over two days in July 2021 during the height of the COVID-19 pandemic when tribes and TGRA's were focused on sustaining operations and EPHS concerns,
2. Changes to the original language proposed in 2021 as compared to the changes presented in 2022,
3. Lack of substantial input and commentary from tribes, and
4. The ability of NIGC to provide for meaningful tribal consultation nationally through the remaining number of in-person gatherings with conferences and meetings accordingly.
 - a.) TribalNet Conference – Reno, NV 13-15Sep22,
 - b.) NTGCR Fall Conference – Milwaukee, WI 27-29Sep22,
 - c.) G2E 2022 Conference & Tradeshow – Las Vegas, NV 11-13Oct22,
 - d.) 79th NCAI Conference – Sacramento, CA 30Oct-04Nov22, and
 - e.) IGA Mid-Year Conference and Expo – Ft. McDowell, AZ 14-16Nov22.

Simply stated, there is no need to rush these proposed significant changes through with a mere thirty (30) day review process. Tribes require more time to further evaluate the impact these proposed changes will have and our ability to adequately prepare and potentially revise our own regulations and ordinances, as necessary. The TBTGC appreciates the NIGC's commitment to provide for the best possible regulations to maintain the highest degree of integrity, honesty, and security of tribal gaming, as well as, providing a positive and strong relationship between the sovereign.

Yours truly,

Rudolph H. Wambsgans III
Commissioner Chairman
TBTGC

CC: TBTGC x 3
TBTLA x 7
File