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Description of document:	National Indian Gaming Commission (NIGC) records re: processes and procedures for Fingerprint Checks, 2011-2017
Requested date:	24-February-2016
Released date:	10-July-2017
Posted date:	19-November-2018
Source of document:	FOIA Request FOIA Officer National Indian Gaming Commission 1849 C Street NW Mailstop #1621 Washington, DC 20240 Fax: (202) 632-7066

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July 10, 2017

Re: NIGC-FOIA-2016-016

This responds to your February 24, 2016 Freedom of Information Act (5 U.S.C. § 552) request to the National Indian Gaming Commission. You requested:

1. A copy of each [sic]NIGC of the [sic] written processes and procedures for Fingerprint Checks;
2. A copy of the Memorandum of Agreement or Memorandum of Understanding between NIGC and the Federal Bureau of Investigation (FBI) regarding Fingerprint Checks;
3. A copy of NIGC correspondence with the FBI concerning the Fingerprint Check process, during calendar years 2014 and 2015.

In response to category one of the request, Bulletin No. 1994-4, entitled "Tribal Background Investigations, Suitability Determinations, and Licensing of Key Employees and Primary Management Officials Memorandum is publicly available on the NIGC's website at <http://www.nigc.gov/compliance/detail/tribal-background-investigations-suitability-determinations-and-licensing-o>. Additionally, after conducting a search of the NIGC's files, the NIGC FOIA Office located eight documents (totaling 71 pages) that are being released, in part, with redactions taken pursuant to exemptions 5, 6, and 7 of the FOIA. 5 U.S.C. § 552(b)(5)-(7). For convenience, a compact disc is enclosed containing copies of the responsive documents.

FOIA Exemption 5

Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5), permits the withholding of "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." Accordingly, Exemption 5 traditionally incorporates the civil discovery privileges: the deliberative process privilege, the attorney-client privilege, and the attorney work product privilege,

among others.¹ In this instance, the information being withheld under Exemption 5 is protected from disclosure by the deliberative process privilege.

In order to qualify for the deliberative process privilege, the information must meet three requirements. First, it must be internal to the executive branch agencies.² Second, the information must be pre-decisional, meaning it was prepared prior to an agency decision.³ Third, it must constitute a direct part of the deliberative process by offering recommendations or expressing opinions on legal and policy matters.⁴ In this case, the information being withheld protects recommendations made to the NIGC by the Federal Bureau of Investigations regarding its fingerprinting processes. This information was provided to the NIGC as options and did not reflect a final agency decision. Release of this information would infringe upon the NIGC's deliberative process and, accordingly, violate the interests protected by Exemption 5.⁵

FOIA Exemption 7

The Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701-2721, explicitly references Exemption 7 of the FOIA.⁶ Exemption 7 of the FOIA allows for the withholding of certain kinds of "records or information [which are] compiled for law enforcement purposes."⁷ For purposes of the FOIA, "the term 'law enforcement purpose' is not limited to criminal investigations but can also include civil investigations and proceedings."⁸ Additionally, the D.C. Circuit has held that law enforcement purposes include "not merely the detection and punishment of violations of law but their prevention."⁹ In order for a record to be considered as having a law enforcement purpose, "1) the agency's activities that give rise to the documents in question must be related to the enforcement of federal laws or the maintenance of national security; and 2) the nexus between the activity and the law enforcement duty must be based on information sufficient to support a 'colorable claim of its rationality.'"¹⁰ In this case, the requested records relate to an audit of the NIGC's fingerprinting and background investigation procedures for key employees and primary management officials. Under IGRA and NIGC regulations, the NIGC has the authority to review suitability determinations for these kinds of gaming employees.¹¹ Moreover, the procedures being reviewed specifically relate to how the NIGC conducts investigations alongside tribal authorities with regard to the suitability of these employees. Accordingly, they qualify as a law enforcement purpose. Despite this classification, the records must nevertheless also meet the requirements of at least one of Exemption 7's subsections in order

¹ *U.S. v. Weber Aircraft Corp.*, 465 U.S. 792, 800 (1984).

² See 5 U.S.C. § 552(b)(5).

³ *Mapother v. Dep't of Justice*, 3 F.3d 1533, 1537 (D.C. Cir. 1993); *Schell v. HHS*, 843 F.2d 933, 941 (6th Cir. 1988).

⁴ *Access Reports v. Dep't of Justice*, 926 F.2d 1192, 1196 (D.C. Cir. 1991).

⁵ *Russell v. Dep't of the Air Force*, 682 F.2d 1045, 1048 (D.C. Cir. 1982).

⁶ 25 U.S.C. § 2716(a).

⁷ 5 U.S.C. § 552(b)(7).

⁸ *Mittleman v. OPM*, 76 F.3d 1240, 1243 (D.C. Cir. 1996) (citing *Pratt v. Webster*, 673 F.2d 408, 420 n.32 (D.C. Cir. 1982)).

⁹ *Id.* (quoting *Miller v. United States*, 630 F. Supp. 347, 349 (E.D.N.Y. 1986)).

¹⁰ *Melius v. NIGC*, No. 92-2210, 1999 U.S. Dist. LEXIS 17537, at *8-9 (D.D.C. Nov. 3, 1999) (citing *Pratt*, 673 F.2d at 414, 418-19).

¹¹ 25 U.S.C. §§ 2706(b)(3), 2710(2)(F); see also 25 C.F.R. § 558.2.

to be properly withheld. Here, the records or information qualify for withholding under Exemption 7(C).

FOIA Exemption 7(C)

Exemption 7(C) permits the withholding of “records or information compiled for law enforcement purposes,” but only to the extent that the production of such law enforcement records “could reasonably be expected to constitute an unwarranted invasion of personal privacy.”¹² The longstanding rule in the D.C. Circuit is that given the strong privacy interests inherent in law enforcement records, it is normally appropriate to categorically withhold information that identifies third parties.¹³ This exemption observes the “‘strong interest’ of individuals, whether they be suspects, witnesses, or investigators, ‘in not being associated unwarrantedly with alleged criminal activity.’”¹⁴ The documents located in response to your request contain the names of Federal Bureau of Investigation’s (FBI) investigators and certain other individuals associated with the maintenance of law enforcement files. Given the strong interest in protecting the identities of those involved in law enforcement investigations and the lack of an overriding public interest in this case, the withholding of that information is appropriate under Exemption 7(C).

FOIA Exemption 6

Similar to Exemption 7(C), Exemption 6 protects the privacy interests of individuals. While it does not have the threshold requirement that a record be compiled for “law enforcement purposes,” Exemption 6 permits an agency to protect information within “personnel and medical files and similar files” if disclosure “would constitute a clearly unwarranted invasion of personal privacy.”¹⁵ To determine whether a document may be withheld under Exemption 6, an agency must undertake a three-step analysis. First, the agency must determine whether a protectable privacy interest would be compromised by the disclosure of the record.¹⁶ If no privacy interest is identified, the document may not be withheld pursuant to Exemption 6.¹⁷ Second, the agency must determine whether the release of the document would further the public interest by shedding light on the operations and activities of the government.¹⁸ In cases where no public interest exists “even a modest privacy interest,” will outweigh it every time.”¹⁹ Third, the agency must balance the identified privacy interests against the public interest in disclosure.²⁰ The information withheld under Exemption Six includes the names of several different FBI investigators. The release of this information would infringe upon the protectable privacy interests of the individuals involved and does not serve any corresponding public interest. Accordingly, this information was withheld under Exemption Six.

¹² 5 U.S.C. § 552(b)(7)(C).

¹³ *SafeCard Services v. SEC*, 926 F.2d 1197, 1206 (D.C. Cir. 1991).

¹⁴ *Fitzgibbon v. CIA*, 911 F.2d 755, 767 (D.C. Cir. 1990) (quoting *Stern v. FBI*, 737 F.2d 84, 91-92 (D.C. Cir. 1984)).

¹⁵ 5 U.S.C. § 552(b)(6).

¹⁶ See *Multi Ag Media LLC v. USDA*, 515 F.3d 1224, 1229 (D.C. Cir. 2008).

¹⁷ *Id.*

¹⁸ See *id.*

¹⁹ See *Nat’l Ass’n of Retired Fed. Employees v. Horner*, 879 F.2d 873, 879 (D.C. Cir. 1989).

²⁰ See *DOD v. FLRA*, 510 U.S. 487, 497 (1994).

Fees

Please note that for fee purposes you were designated an “**all others**” requester. This designation entitles you to the first 2 hours of search time and the first 100 pages of duplication at no charge. After the first 100 pages, you are charged \$0.15 per page thereafter and \$7.75 per hour for operator processing costs when duplication is accomplished by any other method of duplication.²¹ However, pursuant to the FOIA “an agency shall not assess any search [or duplication] fees . . . if [it] has failed to comply with any time limit” established under the Act.²² As such, you are not required to pay any fees with respect to this request.

As this completes the processing of this request, the NIGC now considers your request closed. Pursuant to 25 C.F.R. § 517.8, you may challenge the NIGC FOIA Office’s determination by submitting a written appeal to the National Indian Gaming Commission, 1849 C Street N.W., Mail Stop #1621, Washington, D.C., 20240 no later than ninety (90) days after the date of this letter.²³ Both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” The written submission should include copies of the original request, the denial, and a brief statement of the reasons you believe the denial to have been in error.²⁴

Please be advised that you have the right to seek dispute resolution services with regard to this response from the NIGC’s FOIA Public Liaison or the Office of Government Information Services (OGIS). If you wish to employ the services of the NIGC’s FOIA Public Liaison, please contact Jo-Ann Shyloski by telephone at (202) 632-7003 or through e-mail at Jo-Ann_Shyloski@nigc.gov. If you would prefer to contact OGIS, you may do so in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1(877) 684-6448.

If you have any questions about this letter, please contact me via telephone at (202) 632-7003 or at AnDrea_Choate@nigc.gov.

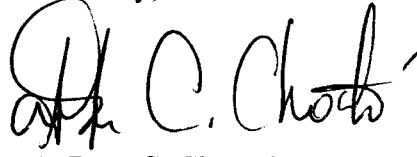
²¹ See 25 C.F.R. § 517.9(b)(1), (d)(4).

²² 5 U.S.C. § 552(a)(4)(A)(viii)(I).

²³ 5 U.S.C. § 552 (a)(6)(A)(i)(III)(aa).

²⁴ See 25 C.F.R. § 517.8(c).

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea C. Choate". The signature is fluid and cursive, with a large initial "A" and a distinct "C" and "Choate" following.

AnDrea C. Choate'

FOIA/PA and Records Management Assistant

Enclosure

Doc No.	Date	Pages	Link
1	12/22/2014	3	2014.12.22 NIGC to FBI.pdf
2	1/16/2015	5	2015.01.16 FBI to NIGC.pdf
3	2/24/2015	6	2015.02.24 FBI to NIGC.pdf
4	7/31/2015	15	2015.07.31 FBI to NIGC.pdf
5	8/6/2015	15	2015.08.06 FBI to NIGC.pdf
6	8/21/2015	16	2015.08.21 FBI to NIGC.pdf
			2015.09.04 NIGC to FBI re Applicant
7	9/4/2015	2	Notification.pdf
8 Undated		9	FBI AUDIT 2014.pdf
			Link to Web Document re Tribal Background
			Investigations, Suitability Determinations, and
9 Undated			Licensing of Key Employees and Pri.htm

Exemptions	Notes
5-DPP, 6, 7C (Investigator)	Partial
5-DPP, 6, 7C (Investigator)	Partial
5-DPP, 6, 7C (Investigator)	Partial
5-DPP, 6, 7C (Investigator)	Partial
6, 7C (Investigator)	Partial
5-DPP, 6, 7C (Investigator)	Partial
5-DPP, 6, 7C (Investigator)	Partial
5-DPP	Partial

From: [Carter, Beverly](#)
To: [Mendoza, Andrew G.](#)
Subject: FW: CJIS Audit of NIGC Tulsa Region
Date: Monday, January 23, 2017 12:10:50 PM
Attachments: [20141222133223982.pdf](#)

Here are the actual email(s) regarding correspondence with (b) (6), (b) (7)(C) at FBI.

From: Harper, Tim E
Sent: Monday, December 22, 2014 2:54 PM
To: (b) (6), (b) (7)(C)
Cc: Hatfield, Douglas B.; Carter, Beverly
Subject: CJIS Audit of NIGC Tulsa Region

Hi (b) (6), (b) (7)(C)

I am responding to the 11/20/14 letter regarding the audit that you conducted in Oklahoma last summer. If you need additional information or I need to modify my response, please let me know.

Thanks.

Tim Harper
NIGC Region Director – Tulsa
224 S. Boulder Suite 301
Tulsa, OK 74103
(918) 581-7924
(918) 581-7933 fax
Tim_Harper@nigc.gov

IMPORTANT NOTICE: This communication, including any attachments, contains information that may be confidential or privileged, and is intended solely for the entity or individual to whom it is addressed. If you are not the intended recipient, you should delete this message and are hereby notified that any disclosure, copying, or distribution of this message is strictly prohibited. Nothing in this email, including any attachment, is intended to be a legally binding signature.



December 22, 2014

Via Email to:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Management and Program Analyst
CJIS Division
1000 Custer Hollow Road
Clarksburg, WV 26306

Dear (b) (6), (b) (7)(C)

I received a copy of the letter dated November 20, 2014, from John H. Derbas, Section Chief, Law Enforcement Support Section, Criminal Justice Information Services Division, to Beverly Carter, Section Chief, Tribal Background Investigation Services, National Indian Gaming Commission. The letter included a 'draft' audit report for the National Identity Services Audit. (b) (5)

(b) (5)

I am responding on behalf of the National Indian Gaming Commission, Tulsa Region Office.

(b) (5)

(b) (5)

(b) (5)

(b) (5)

This response concerns your audit of the Tulsa Region Office and the Wyandotte and Eastern Shawnee Tribes. I'm certain that the NIGC will ensure that all NIGC offices and Indian gaming tribes (b) (5)

(b) (5)

If you need further information regarding the above response, please advise. I look forward to receiving your suggested notification and challenge language, so that we can provide this information to the tribes.

Thank you for your assistance.

Regards,



Tim Harper
Region Director
NIGC Tulsa Region
224 S. Boulder Ave. Suite 301
Tulsa, OK 74104
(918) 581-7924
(918) 581-7933 (fax)
Tim_Harper@nigc.gov

From: [Carter, Beverly](#)
To: [Mendoza, Andrew G.](#)
Subject: FW: CJIS Audit of NIGC Tulsa Region
Date: Monday, January 23, 2017 12:11:43 PM
Attachments: [Agency Privacy Requirements for NCJ Applicants-3 \(1\).pdf](#)
[Applicant Record Notification Agency Sample.docx](#)
[NCJ Applicants Privacy Rights-1.pdf](#)

From: (b) (6), (b) (7)(C)
Sent: Friday, January 16, 2015 1:54 PM
To: Carter, Beverly
Subject: FW: CJIS Audit of NIGC Tulsa Region

Ms. Carter,

In the response provided by Tim he stated he would defer to you to address the issues on behalf of the entire agency. I have attached documents which can be shared with the different regions to

(b) (5) . (b) (5)

Please let me know if you have any question.

Thank You,

(b) (6), (b) (7)(C)

Management & Program Analyst

(b) (6), (b) (7)(C) - office

From: (b) (6), (b) (7)(C)
Sent: Monday, January 05, 2015 10:14 AM
To: 'Harper, Tim E'
Subject: RE: CJIS Audit of NIGC Tulsa Region

I have attached language which can be shared with the other tribes.

File:

[Agency Privacy Requirements for NCJ Applicants:](#) This is the overview of the agency's requirements.

[NCJ Applicant Privacy Rights:](#) This is from the point of view of the applicant and what they could expect.

[Applicant Record Notification Agency Sample:](#) Sample language.

(b) (5)

More information can be found at <http://www.fbi.gov/about-us/cjis/cc>

From: Harper, Tim E [mailto:Tim_Harper@nigc.gov]
Sent: Monday, December 22, 2014 2:54 PM
To: (b) (6), (b) (7)(C)
Cc: Hatfield, Douglas B.; Carter, Beverly
Subject: CJIS Audit of NIGC Tulsa Region

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I am responding to the 11/20/14 letter regarding the audit that you conducted in Oklahoma last summer. If you need additional information or I need to modify my response, please let me know.

Thanks.

Tim Harper
NIGC Region Director – Tulsa
224 S. Boulder Suite 301
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(918) 581-7924
(918) 581-7933 fax
Tim_Harper@nigc.gov

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AGENCY PRIVACY REQUIREMENTS FOR NONCRIMINAL JUSTICE APPLICANTS

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as a job or license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notice and other information and that the results of the check are handled in a manner that protects the applicant's privacy.

- Officials must provide to the applicant written notice¹ that his/her fingerprints will be used to check the criminal history records of the FBI.
- Officials using the FBI criminal history record (if one exists) to make a determination of the applicant's suitability for the job, license, or other benefit must provide the applicant the opportunity to complete or challenge the accuracy of the information in the record.
- Officials must advise the applicant that procedures for obtaining a change, correction, or updating of an FBI criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- Officials should not deny the job, license, or other benefit based on information in the criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- Officials must use the criminal history record solely for the purpose requested and cannot disseminate the record outside the receiving department, related agency, or other authorized entity.²

The FBI has no objection to officials providing a copy of the applicant's FBI criminal history record to the applicant for review and possible challenge when the record was obtained based on positive fingerprint identification. If agency policy permits, this courtesy will save the applicant the time and additional FBI fee to obtain his/her record directly from the FBI by following the procedures found at 28 CFR 16.30 through 16.34. It will also allow the officials to make a more timely determination of the applicant's suitability.

Each agency should establish and document the process/procedures it utilizes for how/when it gives the applicant notice, what constitutes "a reasonable time" for the applicant to correct or complete the record, and any applicant appeal process that is afforded the applicant. Such documentation will assist State and/or FBI auditors during periodic compliance reviews on use of criminal history records for noncriminal justice purposes.

¹ Written notification includes electronic notification, but excludes oral notification.

² See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).

Example 1:

Applicant Record Notification

Notification

Fingerprints submitted will be used to check the criminal history records of the FBI.

Obtaining Copy

Procedures for obtaining a copy of FBI criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.30 through 16.33 or go to the FBI website at <http://www.fbi.gov/about-us/cjis/background-checks>

Change, Correction, or Updating

Procedures for obtaining a change, correction, or updating of an FBI criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34

_____	_____
<i>Print Name</i>	<i>Date</i>

<i>Signature</i>	

Example 2:

Applicant Notification and Record Challenge: *Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedure for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.*

NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification¹ that your fingerprints will be used to check the criminal history records of the FBI.
- If you have a criminal history record, the officials making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the job, license, or other benefit based on information in the criminal history record.²

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.³

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <http://www.fbi.gov/about-us/cjis/background-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

¹ Written notification includes electronic notification, but excludes oral notification.

² See 28 CFR 50.12(b).

³ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

From: [Carter, Beverly](#)
To: [Mendoza, Andrew G.](#)
Subject: FW: CJIS Audit of NIGC Tulsa Region
Date: Monday, January 23, 2017 12:09:46 PM
Attachments: [Audit Draft Response.docx](#)

Andrew, you have the attachment response to this one already. Here is the email trail from (b) (6), (b) (7) (C) at FBI.

From: Carter, Beverly
Sent: Tuesday, February 24, 2015 2:23 PM
To: (b) (6), (b) (7)(C) (CJIS) (FBI)
Subject: RE: CJIS Audit of NIGC Tulsa Region

Hello (b) (6), (b) (7)(C) here is the response I sent my OGC and haven't heard anything back. So I am going to say it is a go to use.

Thank you for your patience. The attachments you sent will be sent to Regions.

From: (b) (6), (b) (7)(C) (CJIS) (FBI) [(b) (6), (b) (7)(C)]
Sent: Tuesday, February 24, 2015 10:10 AM
To: Carter, Beverly
Subject: RE: CJIS Audit of NIGC Tulsa Region

Just checking on the status.

From: (b) (6), (b) (7)(C) (CJIS) (FBI)
Sent: Thursday, February 12, 2015 8:00 AM
To: 'Carter, Beverly'
Subject: RE: CJIS Audit of NIGC Tulsa Region

Just checking on the status.

From: Carter, Beverly [mailto:Beverly_Carter@nigc.gov]
Sent: Thursday, February 05, 2015 3:30 PM
To: (b) (6), (b) (7)(C) (CJIS) (FBI)
Subject: RE: CJIS Audit of NIGC Tulsa Region

(b) (6), (b) (7)(C), I am so sorry for the delay, but I haven't heard back from OGC nor my COS. However, If I don't hear anything back by cob tomorrow, I will forward the letter as is. I don't believe there are errors or wrong language.

Beverly

From: (b) (6), (b) (7)(C) (CJIS) (FBI) [(b) (6), (b) (7)(C)]
Sent: Thursday, February 05, 2015 3:27 PM
To: Carter, Beverly
Subject: RE: CJIS Audit of NIGC Tulsa Region

I was just checking on the status.

From: (b) (6), (b) (7)(C)
Sent: Wednesday, January 21, 2015 2:43 PM
To: 'Carter, Beverly'
Subject: RE: CJIS Audit of NIGC Tulsa Region

That would be great.
Thanks

From: Carter, Beverly [mailto:Beverly_Carter@nigc.gov]
Sent: Wednesday, January 21, 2015 2:03 PM
To: (b) (6), (b) (7)(C)
Subject: FW: CJIS Audit of NIGC Tulsa Region

Follow up. My response is being looked over for errors. Will get it to you by cob tomorrow.

Thank you for your patience.

Beverly

From: Carter, Beverly
Sent: Friday, January 16, 2015 3:01 PM
To: Knight, Tobey R.
Subject: Re: CJIS Audit of NIGC Tulsa Region

Yes (b) (6), (b) (7)(C), I apologize for the delay. Been out with the flu. This will be handled asap. Thank you
Beverly

Sent from my iPhone

On Jan 16, 2015, at 1:55 PM, (b) (6), (b) (7)(C) wrote:

Ms. Carter,

In the response provided by Tim he stated he would defer to you to address the issues on behalf of the entire agency. I have attached documents which can be shared with the different regions to (b) (5)

(b) (5)
(b) (5)
(b) (5)

Please let me know if you have any question.

Thank You,
(b) (6), (b) (7)(C)
Management & Program Analyst
(b) (6), (b) (7)(C) office

From: (b) (6), (b) (7)(C)
Sent: Monday, January 05, 2015 10:14 AM
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Subject: RE: CJIS Audit of NIGC Tulsa Region

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From: Harper, Tim E [mailto:Tim_Harper@nigc.gov]
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Cc: Hatfield, Douglas B.; Carter, Beverly
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Hi (b) (6), (b) (7)(C)

I am responding to the 11/20/14 letter regarding the audit that you conducted in Oklahoma last summer. If you need additional information or I need to modify my response, please let me know.

Thanks.

Tim Harper
NIGC Region Director – Tulsa
224 S. Boulder Suite 301
Tulsa, OK 74103
(918) 581-7924
(918) 581-7933 fax
Tim_Harper@nigc.gov

IMPORTANT NOTICE: This communication, including any attachments, contains information that may be confidential or privileged, and is intended solely for the entity or individual to whom it is addressed. If you are not the intended recipient, you should delete this message and are hereby notified that any disclosure, copying, or distribution of this message is strictly prohibited. Nothing in this email, including any attachment, is intended to be a legally binding signature.

<Agency Privacy Requirements for NCJ Applicants-3 (1).pdf>

<Applicant Record Notification Agency Sample.docx>

<NCJ Applicants Privacy Rights-1.pdf>

Memorandum:

TO: Regional Directors

CC: Douglas Hatfield, Christinia Thomas, Yvonne Lee, Deborah Norton

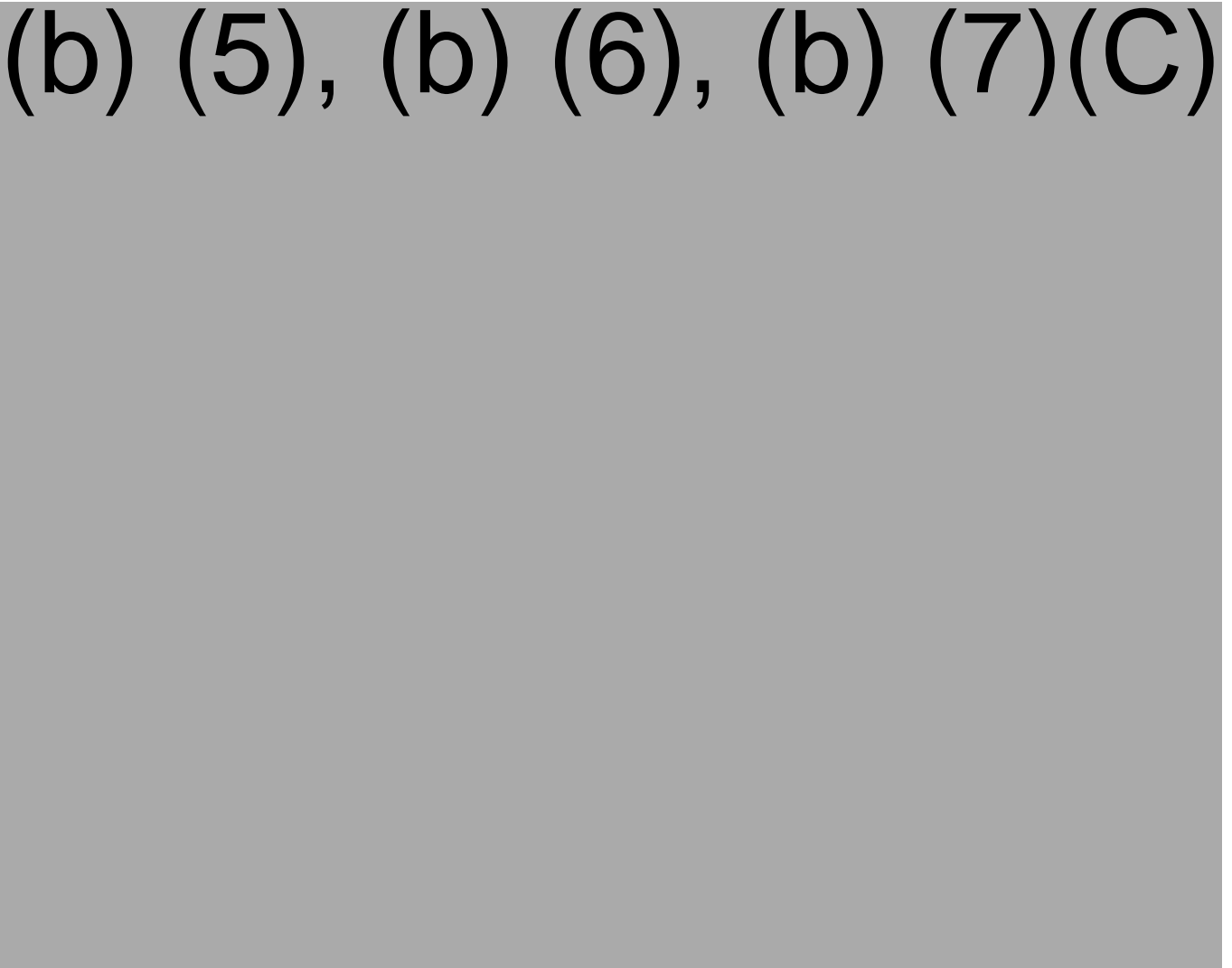
From: Beverly Carter, TBIS Section Chief

Dear Regional Directors:

Recently Tim Harper, Region Director- Tulsa, has made you aware of an audit done in his region conducted by the FBI CJIS Division.

The FBI randomly conducts these audits to ensure the Tribes are in compliance with submission and storage of Fingerprint cards and results.

(b) (5), (b) (6), (b) (7)(C)



(b) (5), (b) (6), (b) (7)(C)

Thank you all for your dedication and service.

From: [Carter, Beverly](#)
To: [Mendoza, Andrew G.](#)
Subject: FW: Compact Council Correspondence with Response Deadline 9/4/2015
Date: Monday, January 23, 2017 12:13:52 PM
Attachments: [NIGC letter.pdf](#)
[14 NIGC Final Report.pdf](#)

From: (b) (6), (b) (7)(C) (CJIS) (FBI) (b) (6), (b) (7)(C)
Sent: Friday, July 31, 2015 3:52 PM
To: Carter, Beverly
Cc: (b) (6), (b) (7)(C) (CJIS) (FBI); (b) (6), (b) (7)(C) CJIS (FBI); (b) (6), (b) (7)(C) CJIS (FBI)
Subject: Compact Council Correspondence with Response Deadline 9/4/2015

Ms. Carter,

I am contacting you in regards to the correspondence sent to you by Mr. Stephen Morris, Assistant Director FBI CJIS Division, as a result of recommendations made by the Compact Council during the May 2015 Compact Council meeting. The letter was placed in the mail earlier in the week. However, we wanted to provide you with a soft copy of the letter as well. The FBI is requesting an additional response which is due by September 4, 2015. The specific information requested by the FBI is provided in the letter. To provide additional assistance, I have also attached the original audit report, which includes your agency's response.

If you have any questions or need further assistance, please contact me.

Sincerely,

Tim

(b) (6), (b) (7)(C)

FBI CJIS Audit Unit

(b) (6), (b) (7)(C)



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

July 31, 2015

Ms. Beverly Carter
Section Chief
Tribal Background Investigation Section
National Indian Gaming Commission
Suite 9100
1441 L Street, NW
Washington, DC 20005

Dear Ms. Carter:

The National Crime Prevention and Privacy Compact (Compact) Council's Sanctions Committee, in accordance with Title 28, Code of Federal Regulations, Part 907, reviews the results of Integrated Automated Fingerprint Identification System Audits conducted by the FBI's Criminal Justice Information Services Division. The Sanctions Committee also reviews the results of Interstate Identification Index usage assessed during National Crime Information Center Audits. (b) (5)

(b) (5)

(b) (5)

(b) (5)

Please forward your response by September 4, 2015, to <NISAudit@leo.gov>. The FBI encourages your continued endeavors to comply with policy requirements. Should you have any questions, please contact me at (b) (6), (b) (7)(C)

Sincerely yours,

(b) (6), (b) (7)(C)

FBI Compact Officer



U.S. Department of Justice
Federal Bureau of Investigation
Criminal Justice Information Services Division

National Identity Services Audit Report

National Indian Gaming Commission

August 2014

Introduction

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Non-Criminal Justice Use of CHRI and User Fee	2
Use of CHRI	
Reason Fingerprinted Field and Purpose Code Usage	
Dissemination of CHRI	
Applicant Notification and Record Challenge	
Security of CHRI	
Outsourcing of Non-Criminal Justice Administrative Functions	
User Fee	
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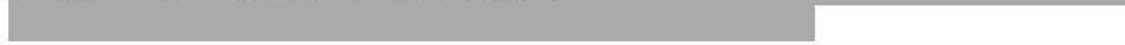
Executive Summary

Overview

The FBI's Criminal Justice Information Services (CJIS) Division has established audit programs for the purpose of evaluating compliance with policy requirements associated with access to CJIS systems and information. The National Identity Services (NIS) Audit assesses compliance with Interstate Identification Index (III) and National Fingerprint File (NFF) participation standards; federal laws and regulations associated with the use, dissemination, and security of national criminal history record information (CHRI); and National Crime Prevention and Privacy Compact (Compact) rules and procedures. The NIS Audit is conducted with state criminal history record repositories, federal agencies, and other entities that are authorized direct access to Next Generation Identification (NGI) and III, and includes reviews of local agencies which receive CHRI for non-criminal justice purposes.

Audit Results

The CJIS Division conducted the second cycle NIS Audit of the National Indian Gaming Commission during August 2014. (b) (5)



Introduction

Background

The FBI's CJIS Division has established audit programs for the purpose of evaluating compliance with policy requirements associated with access to CJIS systems and information. In 1993, the CJIS Audit Unit developed a performance-based audit for the purpose of reviewing administrative processes at state criminal history record repositories. With the development of the FBI's NGI, the expansion of the III and NFF programs, as well as the increase in authorized use of CHRI for non-criminal justice purposes, the audit grew in scope to become the NIS Audit program.

Scope and Methodology

The NIS Audit assesses compliance with III and NFF participation standards; federal laws and regulations associated with the use, dissemination, and security of CHRI; and Compact rules and procedures. Additional policy requirements may be assessed based upon applicability to specific agencies. The NIS Audit is conducted of state criminal history record repositories, federal agencies, and other entities that are authorized direct access to NGI and III, and includes reviews of local agencies which receive CHRI for non-criminal justice purposes. Audits are typically conducted on a triennial cycle and are comprised of administrative interviews and data quality analysis.

About This Report

The NIS Audit Report is divided into the Non-Criminal Justice Use of CHRI and User Fee section and the Data Quality Summary. The Non-Criminal Justice Use of CHRI and User Fee section contains a findings summary chart illustrating the compliance status for each policy. Policies are referenced, and findings are detailed as necessary to ensure a clear understanding of compliance issues. The Data Quality Summary details the results of data quality review used to support assessment of policy compliance.

Out of compliance findings require a response and are presented with recommendations and analysis in bold text. Findings designated as either an area of concern or note of interest do not require a response and are presented with recommendations and analysis in non-bold text. All recommendations in the body of the report correspond to those in the Executive Summary. The Data Quality Summary details the results of data quality reviews used to support assessment of policy compliance.

Non-Criminal Justice Use of CHRI and User Fee

Policy and Local Agency Finding									
		Use of CHRI	Reason Fingerprinted Field and Purpose Code Usage	Dissemination of CHRI	Applicant Notification and Record Challenge	Security of CHRI	Outsourcing of Non-Criminal Justice Administrative Functions	Non-Criminal Justice Agency Audits	User Fee
Agency Evaluation		(b) (5)							
NIGC – Tulsa Regional Office									
Local Agency Evaluation									
Wyandotte Nation Gaming Commission									
Eastern Shawnee Tribal Gaming Commission									
Overall Finding									

Note: IN = In Compliance, OUT = Out of Compliance, A/C = Area of Concern, N/I = Note of Interest, = Not Assessed

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

Data Quality Summary

Non-Criminal Justice Use of CHRI and User Fee

Use of CHRI and Reason Fingerprinted

January 2014 – June 2014	Transactions Reviewed	Unauthorized Use of CHRI	Inaccurate Reason Fingerprinted	Unknown Reason Fingerprinted
Wyandotte Nation Gaming Commission	25	0	0	0
Eastern Shawnee Tribal Gaming Commission	25	0	0	0
Totals	25	0	0	0

Appendix A – Response to Audit Findings



December 22, 2014

Via Email to:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Management and Program Analyst
CJIS Division
1000 Custer Hollow Road
Clarksburg, WV 26306

Dear (b) (6), (b) (7)(C)

I received a copy of the letter dated November 20, 2014, from John H. Derbas, Section Chief, Law Enforcement Support Section, Criminal Justice Information Services Division, to Beverly Carter, Section Chief, Tribal Background Investigation Services, National Indian Gaming Commission. The letter included a 'draft' audit report for the National Identity Services Audit, (b) (5)

(b) (5)

I am responding on behalf of the National Indian Gaming Commission, Tulsa Region Office.

(b) (5)

(b) (5)

(b) (5)

This response concerns your audit of the Tulsa Region Office and the Wyandotte and Eastern Shawnee Tribes. I'm certain that the NIGC will ensure that all NIGC offices and Indian gaming tribes will (b) (5)

(b) (5)

If you need further information regarding the above response, please advise. I look forward to receiving your suggested notification and challenge language, so that we can provide this information to the tribes.

Thank you for your assistance.

Regards,



Tim Harper
Region Director
NIGC Tulsa Region
224 S. Boulder Ave. Suite 301
Tulsa, OK 74104
(918) 581-7924
(918) 581-7933 (fax)
Tim_Harper@nigc.gov

Memorandum:

TO: Regional Directors

CC: Douglas Hatfield, Christinia Thomas, Yvonne Lee, Deborah Norton

From: Beverly Carter, TBIS Section Chief

Dear Regional Directors:

Recently Tim Harper, Region Director- Tulsa, has made you aware of an audit done in his region conducted by the FBI CJIS Division.

The FBI randomly conducts these audits to ensure the Tribes are in compliance with submission and storage of Fingerprint cards and results.

(b) (5), (b) (6), (b) (7)(C)



(b) (5), (b) (6), (b) (7)(C)

Thank you all for your dedication and service.

From: [Carter, Beverly](#)
To: [Mendoza, Andrew G.](#)
Subject: FW: FY 2016 Interagency Agreement
Date: Monday, January 23, 2017 12:03:41 PM
Attachments: [FY 2016 GT&C - 7600A.pdf](#)
[FY 2016 Order - 7600B.pdf](#)
[FY 2016 IAA Attachment.docx](#)
Importance: High

From: Lee, Yvonne
Sent: Thursday, August 06, 2015 2:10 PM
To: Sabarese, Heather L.; Giles, Mitchell D.
Cc: Carter, Beverly
Subject: FW: FY 2016 Interagency Agreement
Importance: High

Heather,

Can you review and process? Thanks.

Yvonne

From: (b) (6), (b) (7)(C) (CJIS) (FBI) [(b) (6), (b) (7)(C)]
Sent: Thursday, August 06, 2015 1:42 PM
To: 'Andrew.Pretzello@nrc.gov'; 'doreen.turner@nrc.gov'; 'Mary.Matheson@nrc.gov'; 'patti.humphreys@nrc.gov'; 'Sheryl.Niernerberger@opm.gov'; 'Timothy.Miller@opm.gov'; 'James.thieme@opm.gov'; 'Gloria.Uria@tsa.dhs.gov'; 'Stephan.Batt@tsa.dhs.gov'; 'Esperanza.espinosa@tsa.dhs.gov'; 'cookJG@state.gov'; 'HendersonTL@state.gov'; 'coopermanMR@state.gov'; 'hendersonTL@state.gov'; 'smithSL3@state.gov'; 'shaunte.chacon@tsa.dhs.gov'; 'giulietta.dahl@tsa.dhs.gov'; 'James.loba@tsa.dhs.gov'; 'gloria.uria@dhs.gov'; 'stephan.batt@dhs.gov'; 'ebrima.comteh@cbp.dhs.gov'; 'Nathan.Shunk@cbp.dhs.gov'; 'dave.dalton@cbp.dhs.gov'; 'phil.hendrick@cbp.dhs.gov'; 'diana.estevez@cbp.dhs.gov'; 'jencabo@bop.gov'; 'thandy@bop.gov'; 'demetress.smith@atf.gov'; Clark-Johnson, Evelyn (ATF); Mason, Melissa L. (ATF); 'Tammy.Smith@atf.gov'; 'James.chancey@atf.gov'; 'Brandon.Lorthridge@dot.gov'; 'Sharon.Wallace@dot.gov'; 'Linda.Guier@dot.gov'; 'Ellen.Polsky@dot.gov'; 'Stephanie.Sager@dot.gov'; 'Gwendolyn.Boone@dot.gov'; 'Tina.Drgos@ssa.gov'; 'howard.young@ssa.gov'; 'jmsilbe@nsa.gov'; 'mmurphy@nsa.gov'; 'chandsen@nsa.gov'; 'rhfox@nsa.gov'; 'joanne.crane@census.gov'; 'James.I.aikman@census.gov'; 'Christopher.Mullane@go.doe.gov'; 'cheryl.peterson@go.doe.gov'; 'steve.scott@go.doe.gov'; Wells, Michele M (JMD); Dunlap, James L (JMD); 'Thomas.Shanika@dol.gov'; 'Hunter-Davis.Kathleen@dol.gov'; 'Peter.j.andrews@hq.dhs.gov'; 'Sean.P.Mihaley@dhs.gov'; 'annmarie.bartholomeo@hq.dhs.gov'; 'charles.e.lombard@nasa.gov'; 'susan.richards@nasa.gov'; Quinn, Elizabeth (OJP); 'Cuvelier, Nathan (OJP)'; Martin, Ralph (OJP); Rice, Lydia (OJP); 'yan.russell@sba.gov'; Silcott, Lisa (USMS); Kline, Mary Ellen (USMS); 'andre.adams@occ.treas.gov'; 'Lisa.Molinari@occ.treas.gov'; 'GoodeB2@state.gov'; 'MooreEE2@state.gov'; 'MooreKL@state.gov'; 'cashands@tva.gov'; Lee, Yvonne; 'dawn_houle@nigc.gov'; Sabarese, Heather L.; 'Lisa.S.Nelson@irs.gov'; 'Karen.J.Donnely@irs.gov'; 'Willie.BurtonJr@fema.dhs.gov'; 'Meeka.Tilahun@fema.dhs.gov'; 'json.tyson@fema.dhs.gov'; 'Girma.kebede@fema.dhs.gov'; 'Veronica.Key@fema.dhs.gov'; 'Yolanda.Robinson@fema.dhs.gov'; 'nelson.claridge@fema.dhs.gov'; 'FEMA-IntragovernmentalTransactions@fema.dhs.gov'; 'dhameen@fdic.gov'; 'rfrye@fdic.gov'; 'Peterson, David S.'; 'Gblakes@fdic.gov'; Poole, Audrey (EOIR); Pacheco, Gary (USTP); 'Grillo, Alexandra (USAEO) [Contractor]'; Murphy, Tracie (USAEO); USAEO-ObligationSupport (USA); 'jwood@civ.usdoj.gov'; Free, Frankie (CIV); Moore, Samuel A. (TAX); Tollefsen, Sarah R. (TAX); Wolfteich, Phyllis (TAX); Clary, Brian (ATR); Clagett, Genevieve (ENRD); White, Joseph (ENRD); 'michael_leichtman@ao.uscourts.gov'; 'felicia_farmer@ao.uscourts.gov'; Brown, Lolita (CRM);

Lyons, Andrew (CRM); Hofer, Janice (CRM); 'edorsey@doc.gov'; 'gservant@doc.gov'; 'dmassino@doc.gov'; Smith, Jeffrey (CRT); 'lisa.senecal2@usdoj.gov'; Kappner, Diana (CRT); Chowdhury, Moeen (CRT); 'thomas.wilga@dot.gov'; 'Anthony.Rufo@dot.gov'; 'Cathryn.Oliva.Simmons@dot.gov'; Herbert, Nellie M (JMD); Mahone, Juanita M. (JMD); 'pamela.massie@psa.gov'; 'brad.nelson@psa.gov'; 'Darieta.Cotton@ed.gov'; 'Cecelia.Briscoe@ed.gov'; 'c-miller@nga.gov'; 'd-koepp@nga.gov'; 'Teresa.Heller@uspto.gov'; 'Leon.Spiro@USPTO.gov'; 'grsperry@uspis.gov'; 'ALBrown@uspis.gov'; Anderson, Tracey C (JMD); Norris, Trevor (JMD); 'Marion_Boulden@dcp.uscourts.gov'; 'gennine_hagar@dcp.uscourts.gov'; 'william_tolliver@dcp.uscourts.gov'; 'billy.cooper@dhs.gov'; 'Heather.Sykes@cbp.dhs.gov'; 'shana.parker@dhs.gov'; 'David.Myers@cbp.dhs.gov'; 'Mark.Voll@dhs.gov'; 'ashley.carter@gsaig.gov'; 'brenda.reynolds@gsaig.gov'; 'earmah@uscourts.cavc.gov'; 'Robin.Holzbeierlein@atf.gov'; 'deborah.monteiro@atf.gov'; 'Demetress.Smith@atf.gov'; 'brenda.hayes@stl.usda.gov'; 'urline.richardson@gsa.gov'; 'kathy.swanson@gsa.gov'; 'jacqueline.gordon@gsa.gov'; Horn, Brian G. (DEA); Poole, Brenda D. (DEA); 'manish'; 'robert_grinstead@ao.uscourts.gov'; 'Darlene_Thomas@ao.uscourts.gov'; 'carla_harris@ao.uscourts.gov'; 'Scott_daniels@ao.uscourts.gov'; 'Gileszenna_Alleyne@ao.uscourts.gov'; 'Aaron.Parker@ustranscom.mil'; 'suzanne.signorehayes.3@us.af.mil'; 'Christopher.Hower2@uscis.dhs.gov'; 'susan.h.anderson@uscis.dhs.gov'; 'mark.jeanmaire@uscis.dhs.gov'; 'iliana.newman@uscis.dhs.gov'; 'kenneth.norwood.ctr@usmc.mil'; 'jeremy.powell@usmc.mil'; 'frank.l.sanchez@usmc.mil'; 'patt.hillard.civ@health.mil'; 'dean.mckenzie@med.navy.mil'; 'Desiree.McLean@hq.dhs.gov'; Stevens, Michael (DHS); McMickens, Courtney (DHS); 'sue.w.nash@ice.dhs.gov'; 'Samuel.Unsworth@ice.dhs.gov'; 'Terry.Barnes@ice.dhs.gov'; 'susan.l.nicholson@ice.dhs.gov'; 'shireen.m.belanger_wood@ice.dhs.gov'; 'Isaac.R.Chapa@ice.dhs.gov'; 'patrick.m.grant@frb.gov'

Cc: (b) (6), (b) (7)(C) (CJIS) (FBI)

Subject: FY 2016 Interagency Agreement

Importance: High

Good afternoon,

The FBI Criminal Justice Information Services Division is requesting that the Fiscal Year (FY) 2016 Interagency Agreements (IAA) be completed by agencies planning to submit transactions to the FBI for the processing of fingerprints, name checks, and other biometric services for noncriminal justice purposes such as licensing or employment.

The FBI CJIS Division is requesting that agencies utilize Treasury's Standard Forms 7600A and 7600B for completion of this year's IAA. Additional forms required by your agency may be documented within the standard IAA and included as attachments. For your convenience, I have attached electronic forms with FBI accounting information and contacts pre-filled. Additional guidance for your use in completing the IAA is being provided below:

Form 7600A:

- 7600A - General Terms and Condition (GT&C) Section

The GT&C is the partnership section of the IAA. It sets the relationship between the trading partners (requesting and performing agencies). It also identifies the agencies entering into the agreement, the authority permitting the agreement, and the agreement action, period, and type.

Each IAA must include one GT&C. Considering the business operations of the program this 7600A may support multiple 7600B order requirements. Your agency **must** fill out boxes: 1, 4, 5, 6, 7, 8, 9, 10a, and 23 (requires signature) of the Form 7600A.

There are no fiscal obligations created through the execution of the 7600A alone. At least one Order Requirements and Funding Information (Order) is required as well.

Form 7600B:

- 7600B – Order Section

The Order is the funding section that creates a fiscal obligation when all required points of contact sign to authorize the Order. Your agency **must** fill out boxes: 24, 25, 26 (Original Line Funding), 27, 28 (all fields, must have ALC, TAS, BETC, Agency Tracking Number), Net Line Amount Due, 30, 32, and 37-39 (signatures). Your finance office should be familiar with these terms.

Please complete, sign, and electronically (e.g. scanned documents) submit your agency's IAA via email to the FBI CJIS Fee Programs Unit (FPU) at <fee_programs_unit@ic.fbi.gov> and/or (b) (6), (b) (7)(C) >. **To ensure adequate processing time prior to the beginning of FY 2016, the IAA is being requested by August 28, 2015.** Upon receipt, the FPU will review for accuracy, sign and return a copy to your agency for your records. Additionally, to ensure that your account is adequately funded throughout the year, FPU will provide a monthly summary of the billing and collections to your agency's point of contact for review.

If this email was sent to you in error, please respond with the name and contact information for the appropriate point-of-contact and I will update our records. If your agency no longer requires the services of the CJIS Division, please send a written notification to (b) (6), (b) (7)(C) at the email listed above. Please contact (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) if you require additional assistance.

Thank you for your prompt attention to this matter.

United States Government
Interagency Agreement (IAA) – Agreement Between Federal Agencies
General Terms and Conditions (GT&C) Section

IAA Number _____ - 0000 - _____
 GT&C # _____ Order # Amendment/Mod # _____

DEPARTMENT AND/OR AGENCY											
1.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;"></th> <th style="width: 40%;">Requesting Agency of Products/Services</th> <th style="width: 45%;">Servicing Agency Providing Products/Services</th> </tr> <tr> <td style="padding: 5px;">Name</td> <td></td> <td style="padding: 5px;">FBI, Criminal Justice Information Services Division Fee Programs Unit</td> </tr> <tr> <td style="padding: 5px;">Address</td> <td></td> <td style="padding: 5px;">1000 Custer Hollow Road, Module D-3 Clarksburg, WV 26306</td> </tr> </table>		Requesting Agency of Products/Services	Servicing Agency Providing Products/Services	Name		FBI, Criminal Justice Information Services Division Fee Programs Unit	Address		1000 Custer Hollow Road, Module D-3 Clarksburg, WV 26306	
	Requesting Agency of Products/Services	Servicing Agency Providing Products/Services									
Name		FBI, Criminal Justice Information Services Division Fee Programs Unit									
Address		1000 Custer Hollow Road, Module D-3 Clarksburg, WV 26306									
2. Servicing Agency Agreement Tracking Number (Optional) _____											
3. Assisted Acquisition Agreement Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>											
4. GT&C Action (Check action being taken) <input type="checkbox"/> New <input type="checkbox"/> Amendment – Complete only the GT&C blocks being changed and explain the changes being made. <input type="checkbox"/> Cancellation – Provide a brief explanation for the IAA cancellation and complete the effective End Date.											
5. Agreement Period Start Date <u>10-01-2015</u> End Date <u>09-30-2016</u> of IAA or effective cancellation date <div style="text-align: center;">MM-DD-YYYY MM-DD-YYYY</div>											
6. Recurring Agreement (Check One) A Recurring Agreement will continue, unless a notice to discontinue is received. Yes <input checked="" type="checkbox"/> If Yes, is this an: Annual Renewal <input checked="" type="checkbox"/> <div style="text-align: center;">Other Renewal <input type="checkbox"/> State the other renewal period: _____</div> No <input type="checkbox"/>											
7. Agreement Type (Check One) <input checked="" type="checkbox"/> Single Order IAA <input type="checkbox"/> Multiple Order IAA											
8. Are Advance Payments Allowed for this IAA (Check One) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes is checked, enter Requesting Agency's Statutory Authority Title and Citation <div style="font-size: small;">Note: Specific advance amounts will be captured on each related Order.</div>											

United States Government
Interagency Agreement (IAA) – Agreement Between Federal Agencies
General Terms and Conditions (GT&C) Section

IAA Number _____ - 0000 - _____
GT&C # _____ Order # Amendment/Mod # _____

9. Estimated Agreement Amount (The Servicing Agency completes all information for the estimated agreement amount.)

(Optional for Assisted Acquisitions)

Direct Cost _____

Overhead Fees & Charges _____

Total Estimated Amount _____ \$0.00

Provide a general explanation of the Overhead Fees & Charges

Title 28 CFR Section 20.31, Federal Register, Vol. 79, Notice 63943
Fees subject to change.

10. STATUTORY AUTHORITY

a. Requesting Agency's Authority (Check One)

Franchise Fund	Revolving Fund	Working Capital Fund	Economy Act (31 U.S.C. 1535/FAR 17.5)	Other Authority
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Fill in Statutory Authority Title and Citation for Franchise Fund, Revolving Fund, Working Capital Fund, or Other Authority

b. Servicing Agency's Authority (Check One)

Franchise Fund	Revolving Fund	Working Capital Fund	Economy Act (31 U.S.C. 1535/FAR 17.5)	Other Authority
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Fill in Statutory Authority Title and Citation for Franchise Fund, Revolving Fund, Working Capital Fund, or Other Authority

User Fee

Pub. L. 101-515

11. Requesting Agency's Scope (State and/or list attachments that support Requesting Agency's Scope.)

12. Roles & Responsibilities for the Requesting Agency and Servicing Agency (State and/or list attachments for the roles and responsibilities for the Requesting Agency and the Servicing Agency.)

See Attachment

United States Government
Interagency Agreement (IAA) – Agreement Between Federal Agencies
General Terms and Conditions (GT&C) Section

IAA Number _____ - 0000 - _____
GT&C # Order # Amendment/Mod #

13. Restrictions (Optional) (State and/or attach unique requirements and/or mission specific restrictions specific to this IAA).

14. Assisted Acquisition Small Business Credit Clause (The Servicing Agency will allocate the socio-economic credit to the Requesting Agency for any contract actions it has executed on behalf of the Requesting Agency.)

15. Disputes: Disputes related to this IAA shall be resolved in accordance with instructions provided in the Treasury Financial Manual (TFM) Volume I, *Intragovernmental Business Rules* Bulletin, available on the TFM Web site at <http://www.fms.treas.gov/tfm/vol1/bull.html>.

16. Termination (Insert the number of days that this IAA may be terminated by written notice by either the Requesting or Servicing Agency.)

90

If this agreement is canceled, any implementing contract/order may also be canceled. If the IAA is terminated, the agencies shall agree to the terms of the termination, including costs attributable to each party and the disposition of awarded and pending actions.

If the Servicing Agency incurs costs due to the Requesting Agency's failure to give the requisite notice of its intent to terminate the IAA, the Requesting Agency shall pay any actual costs incurred by the Servicing Agency as a result of the delay in notification, provided such costs are directly attributable to the failure to give notice.

17. Assisted Acquisition Agreements – Requesting Agency's Organizations Authorized To Request Acquisition Assistance for this IAA. (State or attach a list of Requesting Agency's organizations authorized to request acquisition assistance for this IAA.)

Not applicable

18. Assisted Acquisition Agreements – Servicing Agency's Organizations authorized to Provide Acquisition Assistance for this IAA. (State or attach a list of Servicing Agency's organizations authorized to provide acquisition for this IAA.)

Not applicable

19. Requesting Agency Clause(s) (Optional) (State and/or attach any additional Requesting Agency clauses.)

United States Government
Interagency Agreement (IAA) – Agreement Between Federal Agencies
General Terms and Conditions (GT&C) Section

IAA Number _____ - 0000 - _____
GT&C # Order # Amendment/Mod #

20. Servicing Agency Clause(s) (Optional) (State and/or attach any additional Servicing Agency clauses.)
Not applicable.

21. Additional Requesting Agency and/or Servicing Agency Attachments (Optional) (State and/or attach any additional Requesting Agency and/or Servicing Agency attachments.)

See Attachment for the Fee Schedule, Payment Provisions; and Privacy Act

22. Annual Review of IAA

By signing this agreement, the parties agree to annually review the IAA if the agreement period exceeds one year. Appropriate changes will be made by amendment to the GT&C and/or modification to any affected Order(s).

AGENCY OFFICIAL

The Agency Official is the highest level accepting authority or official as designated by the Requesting Agency and Servicing Agency to sign this agreement. Each Agency Official must ensure that the general terms and conditions are properly defined, including the stated statutory authorities, and, that the scope of work can be fulfilled per the agreement.

The Agreement Period Start Date (Block 5) must be the same as or later than the signature dates.

Actual work for this IAA may NOT begin until an Order has been signed by the appropriate individuals, as stated in the Instructions for Blocks 37 and 38.

23.	Requesting Agency	Servicing Agency
Name		Robin A. Stark
Title		Resources Management Section Chief
Telephone Number(s)		(b) (6), (b) (7)(C)
Fax Number		
Email Address		fee_programs_unit@ic.fbi.gov
SIGNATURE		
Approval Date		

IAA Order

IAA Number _____ - _____ - _____ Servicing Agency's Agreement
 GT&C # Order # Amendment/Mod # Tracking Number (Optional) ARN

28. Order Line/Funding Information										Line Number _____							
				Requesting Agency Funding Information						Servicing Agency Funding Information							
ALC										15020002							
Component TAS Required by 10/1/2014	SP	ATA	AID	BPOA	EPOA	A	MAIN	SUB	SP	ATA	AID	BPOA	E POA	A	MAIN	SUB	
											015	2016	2016		0200	000	
OR Current TAS format										15160200							
BETC				DISB						COLL							
Object Class Code (Optional)																	
BPN										078567350							
BPN + 4 (Optional)																	
Additional Accounting Classification/Information (Optional)																	
Requesting Agency Funding Expiration Date 09-30-2016 MM-DD-YYYY									Requesting Agency Funding Cancellation Date 09-30-2021 MM-DD-YYYY								
Project Number & Title																	
Description of Products and/or Services, including the Bona Fide Need for this Order (State or attach a description of products/services, including the bona fide need for this Order.)																	
North American Industry Classification System (NAICS) Number (Optional) _____																	
Breakdown of Reimbursable Line Costs									OR Breakdown of Assisted Acquisition Line Cost:								
Unit of Measure								Contract Cost		\$							
Quantity	Unit Price	Total						Servicing Fees		\$							
		\$ 0.00						Total Obligated Cost		\$ 0.00							
Overhead Fees & Charges		\$						Advance for Line (-)		\$							
Total Line Amount Obligated		\$ 0.00						Net Total Cost		\$ 0.00							
Advance Line Amount (-)		\$						Assisted Acquisition Servicing Fees Explanation									
Net Line Amount Due		\$ 0.00															
Type of Service Requirements																	
<input checked="" type="checkbox"/> Severable Service <input type="checkbox"/> Non-severable Service <input type="checkbox"/> Not Applicable																	

IAA Order

IAA Number _____ - _____ - _____ Servicing Agency's Agreement
GT&C # Order # Amendment/Mod # Tracking Number (Optional) ARN

29. Advance Information (Complete Block 29 if the Advance Payment for Products/Services was checked "Yes" on the GT&C.)

Total Advance Amount for the Order \$ _____ [All Order Line advance amounts (Block 28) must sum to this total.]

Revenue Recognition Methodology (according to SFFAS 7) (Identify the Revenue Recognition Methodology that will be used to account for the Requesting Agency's expense and the Servicing Agency's revenue)

- ☐ Straight-line – Provide amount to be accrued \$ _____ and Number of Months _____
- ☐ Accrual Per Work Completed – Identify the accounting posting period:
- ☐ Monthly per work completed & invoiced
- ☐ Other – Explain other regular period (bimonthly, quarterly, etc.) for posting accruals and how the accrual amounts will be communicated if other than billed. _____

30. Total Net Order Amount: \$ _____

[All Order Line Net Amounts Due for reimbursable agreements and Net Total Costs for Assisted Acquisition Agreements (Block 28) must sum to this total.]

31. Attachments (State or list attachments.)

- ☐ Key project and/or acquisition milestones (Optional except for Assisted Acquisition Agreements)
- ☐ Other Attachments (Optional)

BILLING & PAYMENT INFORMATION

32. Payment Method (Check One) [Intra-governmental Payment and Collection (IPAC) is the Preferred Method.]

If IPAC is used, the payment method must agree with the IPAC Trading Partner Agreement (TPA).

- ☐ Requesting Agency Initiated IPAC ☐ Servicing Agency Initiated IPAC
- ☐ Credit Card ☐ Other – Explain other payment method and reasoning _____

33. Billing Frequency (Check One)

[An Invoice must be submitted by the Servicing Agency and accepted by the Requesting Agency BEFORE funds are reimbursed (i.e., via IPAC transaction)]

- ☒ Monthly ☐ Quarterly ☐ Other Billing Frequency (include explanation) _____

34. Payment Terms (Check One)

30 days (to allow adequate time to receive and process monthly bill)

- ☐ 7 days ☒ Other Payment Terms (include explanation): _____

IAA Order

IAA Number _____ - _____ - _____
GT&C # Order # Amendment/Mod #

Servicing Agency's Agreement
Tracking Number (Optional) ARN

35. Funding Clauses/Instructions (Optional) (State and/or list funding clauses/instructions.)		
36. Delivery/Shipping Information for Products (Optional)		
Agency Name		
Point of Contact (POC) Name & Title		
POC Email Address		
Delivery Address /Room Number		
POC Telephone Number		
Special Shipping Information		
APPROVALS AND CONTACT INFORMATION		
37. PROGRAM OFFICIALS		
The Program Officials, as identified by the Requesting Agency and Servicing Agency, must ensure that the scope of work is properly defined and can be fulfilled for this Order. The Program Official may or may not be the Contracting Officer depending on each agency's IAA business process.		
	Requesting Agency	Servicing Agency
Name		Robin A. Stark
Title		
Telephone Number		(b) (6), (b) (7)(C)
Fax Number		
Email Address		fee_programs_unit@ic.fbi.gov
SIGNATURE		
Date Signed		
38. FUNDING OFFICIALS - The Funds Approving Officials, as identified by the Requesting Agency and Servicing Agency, certify that the funds are accurately cited and can be properly accounted for per the purposes set forth in the Order. The Requesting Agency Funding Official signs to obligate funds. The Servicing Agency Funding Official signs to start the work, and to bill , collect, and properly account for funds from the Requesting Agency, in accordance with the agreement.		
	Requesting Agency	Servicing Agency
Name		(b) (6), (b) (7)(C)
Title		Chief, ARU, Finance Division
Telephone Number		(b) (6), (b) (7)(C)
Fax Number		
Email Address		hq_div12_iaa_ra_aru@ic.fbi.gov
SIGNATURE		
Date Signed		

IAA Order

IAA Number _____ - _____ - _____ Servicing Agency's Agreement
 GT&C # Order # Amendment/Mod # Tracking Number (Optional) ARN

CONTACT INFORMATION		
FINANCE OFFICE Points of Contact (POCs)		
The finance office points of contact must ensure that the payment (Requesting Agency), billing (Servicing Agency), and advance/accounting information are accurate and timely for this Order.		
39.	Requesting Agency (Payment Office)	Servicing Agency (Billing Office)
Name		(b) (6), (b) (7)(C)
Title		
Office Address		
Telephone Number		(b) (6), (b) (7)(C)
Fax Number		
Email Address		(b) (6), (b) (7)(C)
Signature & Date (Optional)		
40. ADDITIONAL Points of Contacts (POCs) (as determined by each Agency)		
This may include CONTRACTING Office Points of Contact (POCs).		
	Requesting Agency	Servicing Agency
Name		(b) (6), (b) (7)(C)
Title		
Office Address		
Telephone Number		(b) (6), (b) (7)(C)
Fax Number		
Email Address		(b) (6), (b) (7)(C)
Signature & Date (Optional)		
Name		(b) (6), (b) (7)(C)
Title		Accounting Analyst
Office Address		
Telephone Number		(b) (6), (b) (7)(C)
Fax Number		
Email Address		(b) (6), (b) (7)(C)
Signature & Date (Optional)		
Name		
Title		
Office Address		
Telephone Number		
Fax Number		
Email Address		
Signature & Date (Optional)		

**Federal Bureau of Investigation
Criminal Justice Information Services Division
FY 2016 Interagency Agreement Attachment**

The purpose of the Interagency Agreement with the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) Division is to provide the framework governing the respective responsibilities of the Parties for the provision of services of submission and process of fingerprints and other biometric information and criminal history record information (CHRI) checks for the noncriminal justice purposes of licensing or employment. The FBI will provide identification services as defined in the Electronic Biometric Transmission Specification (EBTS), currently Technical and Operations Update #5, Version 10.0.5 Final-June 13, 2015.

<<https://www.fbibiospecs.cjis.gov/EBTS/Approved>>

Responsibilities of the FBI CJIS (Servicing Agency)

- I. The FBI will process the applicant fingerprint request/name checks and advise the Requesting Agency of the results of the fingerprint requests/name checks.
- II. The Servicing Agency will bill the Requesting Agency on a monthly basis for those fingerprint requests/name checks or other biometric services received during the preceding or earlier months for which no prior voucher has been submitted.
- III. The FBI shall ensure that the Requesting Agency will not be charged for the resubmission and reprocessing of an illegible request providing the Agency has followed the resubmission procedures outlined in the EBTS.
- IV. The FBI will charge a fee based on the direct and indirect cost of providing the service. The Servicing Agency will conduct an annual review to determine the current cost of processing fingerprints/name checks or other biometric services. Fee amounts and any revisions thereto shall be published as a notice in the Federal Register.
- V. The FBI will not charge criminal justice agencies for applicant fingerprint cards pertaining to law enforcement or criminal justice employment provided the requests are clearly marked "law enforcement/criminal justice employment purpose" in the "Reason Fingerprinted" field of the fingerprint requests.

Responsibilities of the Requesting Agency:

- I. The Requesting Agency will ensure that the fingerprint request/name check or other biometric service requests are submitted in compliance with the EBTS.

- II. The Requesting Agency is required to ensure that all the fingerprint requests/name checks or other biometric services have been properly completed and that the requests are being submitted under authority of Federal Law, regulation, or Executive Order.

Fee Schedule

The following chart outlines the FBI's cost of services provided for fingerprint and name based CHRI checks, and other biometric services. Any change in fee will be published as a notice in the *Federal Register* no less than ninety (90) days in advance of such change.

Federal Bureau of Investigation - CJIS Division Fingerprint-based and Name-based CHRI Checks and Rap Back Enrollment	Remitted to FBI by Central Billing Service Providers
Fingerprint-based CHRI Checks	\$12.75
Fingerprint-based CHRI Checks - Volunteer*	\$11.50
Fingerprint-based CHRI Checks with Rap Back Enrollment	
Tier I: Short-Term	\$15.00
Tier II: Mid-Term	\$18.75
Tier III: Long-Term	\$25.75
Fingerprint-based CHRI Checks - Volunteer * with Rap Back Enrollment	
Tier I: Short-Term	\$13.75
Tier II: Mid-Term	\$17.50
Tier III: Long-Term	\$24.50
Rap Back Enrollment Subsequent to Fingerprint Submission	
Tier I: Short-Term	\$2.25
Tier II: Mid-Term	\$6.00
Tier III: Long-Term	\$13.00
Name-based CHRI Checks (available only to federal agencies with specific statutory authority)	\$2.25

* The Volunteer submissions must have authority under the National Child Protection Act, as amended by the Volunteers for Children Act (VCA), Title 42, United States Code, Section 5119a(e)

Payment Provisions

- I. Detailed bills will be provided monthly from the CJIS Division for services provided for the previous month. The Requesting Agency should review, approve, and notify their disbursing center as soon as possible after receipt. The CJIS Division, Fee Programs Unit will institute Intra-governmental Payment and Collection (IPAC) procedures for the FBI.
- II. The disbursing center of the Requesting Agency will determine how the Requesting Agency will be billed.
- III. Two types of billing procedures are available for payment of services rendered in the user fee program which will be determined by the disbursing center of the Requesting Agency.
 - a) Electronic Billing and Payment:
The Requesting Agency will be automatically billed via the IPAC System which is available if the Requesting Agency processes payments through the U.S. Treasury Department. The Servicing Agency will require the Requesting Agency's Location Code and accounting information before transfer of funds can occur.
 - b) Manual Billing and Payment:
The Requesting Agency must include the Accounts Receivable Number on the payment check, along with a copy of the remittance page.
- IV. Payments by check are to be received within 30 days of billing, made payable to the Federal Bureau of Investigation and mailed to:

Federal Bureau of Investigation
Criminal Justice Information Services Division
Attention: Fee Programs Unit
1000 Custer Hollow Road
Clarksburg, West Virginia 26306.
- V. All inquiries regarding accounting information should be directed to the Fee Programs Unit, (304) 625-2360 or email <fee_programs_unit@ic.fbi.gov>.

Privacy Act

The parties to this agreement acknowledge that the information involved may pertain to U.S. persons and is thus protected at the federal level by the Privacy Act of 1974. The Requesting and Servicing Agencies agree to handle the information pursuant to the provisions of the Privacy Act and/or all laws, regulations, or procedures applicable to each. (PCLU)

From: [Carter, Beverly](#)
To: [Mendoza, Andrew G.](#)
Subject: FW: Compact Council Correspondence with Response Deadline 9/4/2015
Date: Monday, January 23, 2017 12:14:06 PM
Attachments: [NIGC letter.pdf](#)
[14 NIGC Final Report.pdf](#)

From: (b) (6), (b) (7)(C) (CJIS) (FBI) (b) (6), (b) (7)(C)
Sent: Friday, August 21, 2015 3:10 PM
To: Carter, Beverly
Cc: (b) (6), (b) (7)(C) (CJIS) (FBI)
Subject: FW: Compact Council Correspondence with Response Deadline 9/4/2015

Ms. Carter,

Good afternoon. I am reaching out to advise that the hardcopy version of the attached letter was returned to our office due to an apparent issue with the address. Looking into the matter on the NIGC homepage, it appears there has been an update. Please advise if the following address is correct, and if not, the appropriate one. I will then provide you with an updated hardcopy.

NIGC Attn: Ms. Beverly Carter
C/O Department of Interior
1849 C Street NW
Mail Stop #1621
Washington, DC 20240

Respectfully,

(b) (6), (b) (7)(C)

FBI

CJIS Division

Audit Unit

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) (CJIS) (FBI)
Sent: Friday, July 31, 2015 3:52 PM
To: 'beverly_carter@nigc.gov'
Cc: (b) (6), (b) (7)(C) (CJIS) (FBI); (b) (6), (b) (7)(C) (CJIS) (FBI); (b) (6), (b) (7)(C) (CJIS) (FBI)
Subject: Compact Council Correspondence with Response Deadline 9/4/2015

Ms. Carter,

I am contacting you in regards to the correspondence sent to you by Mr. Stephen Morris, Assistant Director FBI CJIS Division, as a result of recommendations made by the Compact Council during the May 2015 Compact Council meeting. The letter was placed in the mail earlier in the week.

However, we wanted to provide you with a soft copy of the letter as well. (b) (5)

(b) (5) . To provide additional assistance, I have also attached the original audit report, which includes your agency's response.

If you have any questions or need further assistance, please contact me.

Sincerely,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

FBI CJIS Audit Unit

(b) (6), (b) (7)(C)



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

July 31, 2015

Ms. Beverly Carter
Section Chief
Tribal Background Investigation Section
National Indian Gaming Commission
Suite 9100
1441 L Street, NW
Washington, DC 20005

Dear Ms. Carter:

The National Crime Prevention and Privacy Compact (Compact) Council's Sanctions Committee, in accordance with Title 28, Code of Federal Regulations, Part 907, reviews the results of Integrated Automated Fingerprint Identification System Audits conducted by the FBI's Criminal Justice Information Services Division. The Sanctions Committee also reviews the results of Interstate Identification Index usage assessed during National Crime Information Center Audits. (b) (5)

(b) (5)

Please forward your response by September 4, 2015, to <NISAudit@leo.gov>. The FBI encourages your continued endeavors to comply with policy requirements. Should you have any questions, please contact me at (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C)

Sincerely yours,

(b) (6), (b) (7)(C)

FBI Compact Officer



U.S. Department of Justice
Federal Bureau of Investigation
Criminal Justice Information Services Division

National Identity Services Audit Report

National Indian Gaming Commission

August 2014

Introduction

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Non-Criminal Justice Use of CHRI and User Fee	2
Use of CHRI	
Reason Fingerprinted Field and Purpose Code Usage	
Dissemination of CHRI	
Applicant Notification and Record Challenge	
Security of CHRI	
Outsourcing of Non-Criminal Justice Administrative Functions	
User Fee	
Data Quality Summary	6
Response to Audit Findings.....	Appendix A

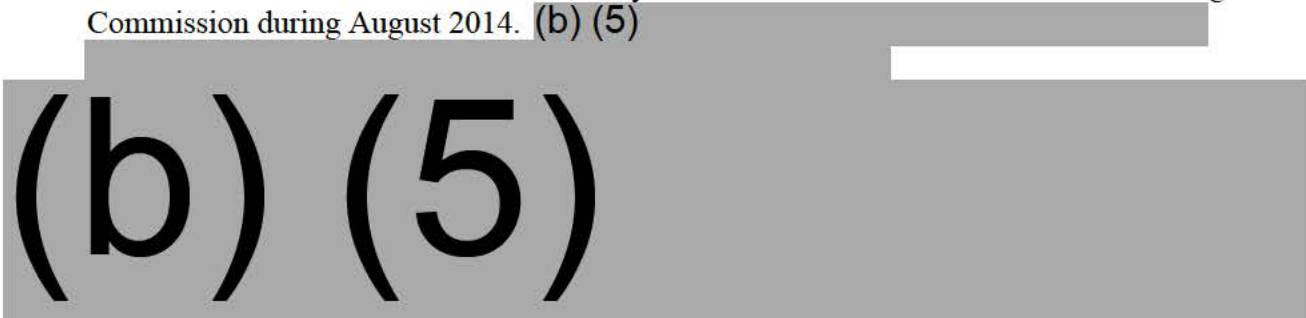
Executive Summary

Overview

The FBI's Criminal Justice Information Services (CJIS) Division has established audit programs for the purpose of evaluating compliance with policy requirements associated with access to CJIS systems and information. The National Identity Services (NIS) Audit assesses compliance with Interstate Identification Index (III) and National Fingerprint File (NFF) participation standards; federal laws and regulations associated with the use, dissemination, and security of national criminal history record information (CHRI); and National Crime Prevention and Privacy Compact (Compact) rules and procedures. The NIS Audit is conducted with state criminal history record repositories, federal agencies, and other entities that are authorized direct access to Next Generation Identification (NGI) and III, and includes reviews of local agencies which receive CHRI for non-criminal justice purposes.

Audit Results

The CJIS Division conducted the second cycle NIS Audit of the National Indian Gaming Commission during August 2014. (b) (5)



Introduction

Background

The FBI's CJIS Division has established audit programs for the purpose of evaluating compliance with policy requirements associated with access to CJIS systems and information. In 1993, the CJIS Audit Unit developed a performance-based audit for the purpose of reviewing administrative processes at state criminal history record repositories. With the development of the FBI's NGI, the expansion of the III and NFF programs, as well as the increase in authorized use of CHRI for non-criminal justice purposes, the audit grew in scope to become the NIS Audit program.

Scope and Methodology

The NIS Audit assesses compliance with III and NFF participation standards; federal laws and regulations associated with the use, dissemination, and security of CHRI; and Compact rules and procedures. Additional policy requirements may be assessed based upon applicability to specific agencies. The NIS Audit is conducted of state criminal history record repositories, federal agencies, and other entities that are authorized direct access to NGI and III, and includes reviews of local agencies which receive CHRI for non-criminal justice purposes. Audits are typically conducted on a triennial cycle and are comprised of administrative interviews and data quality analysis.


About This Report

The NIS Audit Report is divided into the Non-Criminal Justice Use of CHRI and User Fee section and the Data Quality Summary. The Non-Criminal Justice Use of CHRI and User Fee section contains a findings summary chart illustrating the compliance status for each policy. Policies are referenced, and findings are detailed as necessary to ensure a clear understanding of compliance issues. The Data Quality Summary details the results of data quality review used to support assessment of policy compliance.

Out of compliance findings require a response and are presented with recommendations and analysis in bold text. Findings designated as either an area of concern or note of interest do not require a response and are presented with recommendations and analysis in non-bold text. All recommendations in the body of the report correspond to those in the Executive Summary. The Data Quality Summary details the results of data quality reviews used to support assessment of policy compliance.

Non-Criminal Justice Use of CHRI and User Fee

	Policy and Local Agency Finding							
	Use of CHRI	Reason Fingerprinted Field and Purpose Code Usage	Dissemination of CHRI	Applicant Notification and Record Challenge	Security of CHRI	Outsourcing of Non-Criminal Justice Administrative Functions	Non-Criminal Justice Agency Audits	User Fee
Agency Evaluation	(b) (5)							
NIGC – Tulsa Regional Office								
Local Agency Evaluation								
Wyandotte Nation Gaming Commission								
Eastern Shawnee Tribal Gaming Commission								
Overall Finding								

Note: IN = In Compliance, OUT = Out of Compliance, A/C = Area of Concern, N/I = Note of Interest,  = Not Assessed

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

Data Quality Summary

Non-Criminal Justice Use of CHRI and User Fee

Use of CHRI and Reason Fingerprinted

January 2014 – June 2014	Transactions Reviewed	Unauthorized Use of CHRI	Inaccurate Reason Fingerprinted	Unknown Reason Fingerprinted
Wyandotte Nation Gaming Commission	25	0	0	0
Eastern Shawnee Tribal Gaming Commission	25	0	0	0
Totals	25	0	0	0

Appendix A – Response to Audit Findings



December 22, 2014

Via Email to:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Management and Program Analyst
CJIS Division
1000 Custer Hollow Road
Clarksburg, WV 26306

Dear (b) (6), (b) (7)(C)

I received a copy of the letter dated November 20, 2014, from John H. Derbas, Section Chief, Law Enforcement Support Section, Criminal Justice Information Services Division, to Beverly Carter, Section Chief, Tribal Background Investigation Services, National Indian Gaming Commission. The letter included a 'draft' audit report for the National Identity Services Audit, (b) (5)

(b) (5)

I am responding on behalf of the National Indian Gaming Commission, Tulsa Region Office.

(b) (5)

(b) (5)

(b) (5)

This response concerns your audit of the Tulsa Region Office and the Wyandotte and Eastern Shawnee Tribes. I'm certain that the NIGC will ensure that all NIGC offices and Indian gaming tribes will (b) (5)

(b) (5)

If you need further information regarding the above response, please advise. (b) (5)

(b) (5)

Thank you for your assistance.

Regards,



Tim Harper
Region Director
NIGC Tulsa Region
224 S. Boulder Ave. Suite 301
Tulsa, OK 74104
(918) 581-7924
(918) 581-7933 (fax)
Tim_Harper@nigc.gov

Memorandum:

TO: Regional Directors

CC: Douglas Hatfield, Christinia Thomas, Yvonne Lee, Deborah Norton

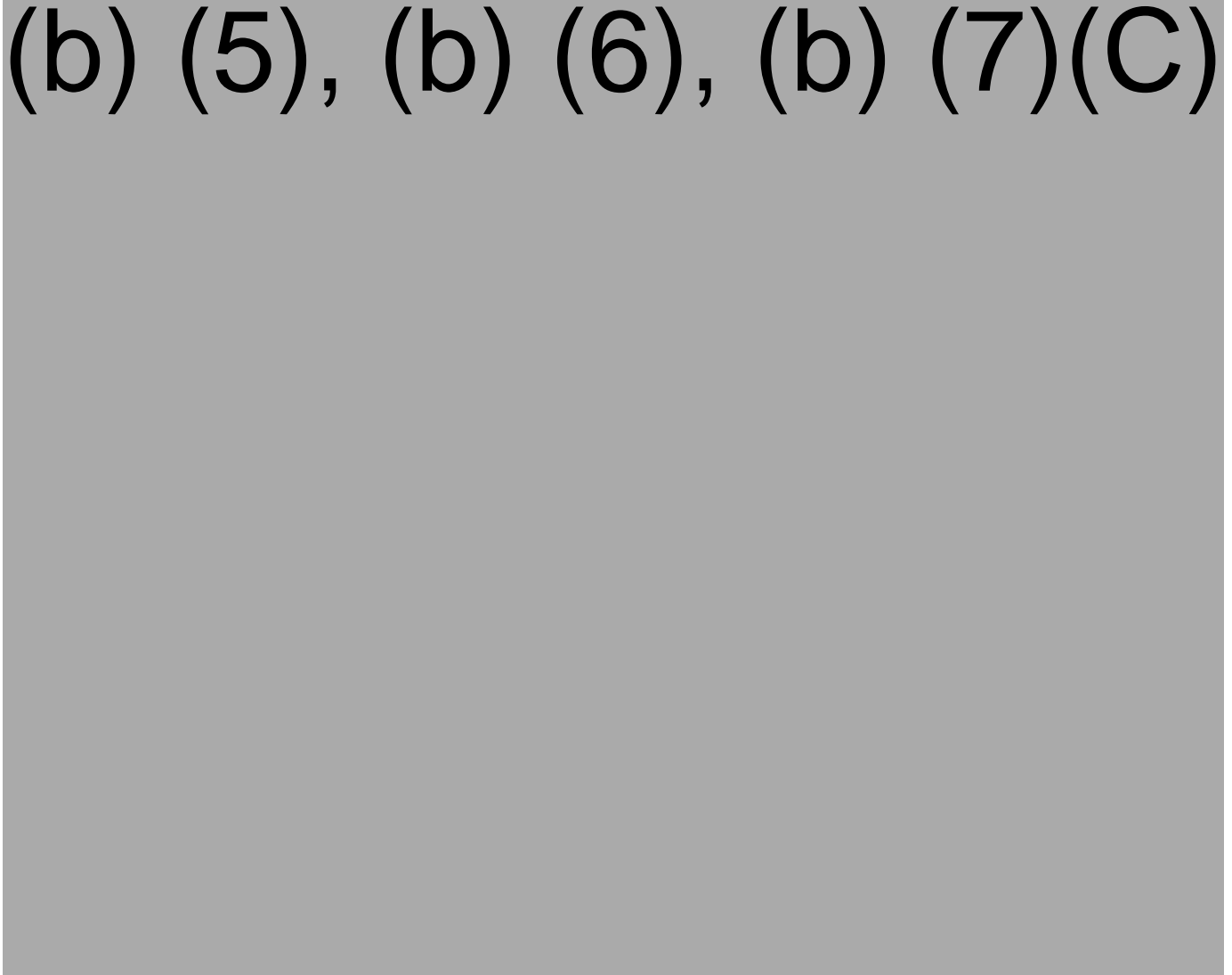
From: Beverly Carter, TBIS Section Chief

Dear Regional Directors:

Recently Tim Harper, Region Director- Tulsa, has made you aware of an audit done in his region conducted by the FBI CJIS Division.

The FBI randomly conducts these audits to ensure the Tribes are in compliance with submission and storage of Fingerprint cards and results.

(b) (5), (b) (6), (b) (7)(C)



(b) (5), (b) (6), (b) (7)(C)

Thank you all for your dedication and service.



September 4, 2015

(b) (6), (b) (7)(C) FBI Compact Officer
Federal Bureau of Investigation
Clarksburg, WV 26306

Dear (b) (6), (b) (7)(C)

This letter is in response to your correspondence dated July 31, 2015 that contained the Federal Bureau of Investigation's request to the National Indian Gaming Commission (NIGC) to address the specific reasons as to (b) (5)

(b) (5)

As Tribal Background Investigation Section Chief, I am responsible for managing the fingerprint cards process at the NIGC. However, by the time that I was appointed to Section Chief in 1997, the fingerprint cards process had already been established by a former NIGC employee and (b) (5)

(b) (5)

(b) (5)

(b) (5)

In fact, the FBI's Criminal Justice Information Services Division conducted an Integrated Automated Fingerprint Identification System Audits in 2011. As you can see from the relevant page of that audit report (attached), (b) (5)

(b) (5)

(b) (5)

(b) (5)

The NIGC is currently revising its fingerprint card process with the tribes to ensure that

(b) (5)

Sincerely,

A handwritten signature in blue ink that reads "Beverly A. Carter".

Beverly A. Carter, TBIS Chief
National Indian Gaming Commission

Noncriminal Justice Use of CHRI and User Fee

Policy	Finding
Authorized Use of CHRI	(b) (5)
Reason Fingerprinted	
Dissemination of CHRI	
Applicant Notification and Record Challenge	
Security of CHRI	
Outsourcing of Noncriminal Justice Administrative Functions	
User Fee	

(b) (5)



U.S. Department of Justice
Federal Bureau of Investigation
Criminal Justice Information Services Division

National Identity Services Audit Report

National Indian Gaming Commission

August 2014

Introduction					
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Security of CHRI		
Outsourcing of Non-Criminal Justice Administrative Functions		
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Response to Audit Findings	Appendix A

Executive Summary

Overview

The FBI's Criminal Justice Information Services (CJIS) Division has established audit programs for the purpose of evaluating compliance with policy requirements associated with access to CJIS systems and information. The National Identity Services (NIS) Audit assesses compliance with Interstate Identification Index (III) and National Fingerprint File (NFF) participation standards; federal laws and regulations associated with the use, dissemination, and security of national criminal history record information (CHRI); and National Crime Prevention and Privacy Compact (Compact) rules and procedures. The NIS Audit is conducted with state criminal history record repositories, federal agencies, and other entities that are authorized direct access to Next Generation Identification (NGI) and III, and includes reviews of local agencies which receive CHRI for non-criminal justice purposes.

Audit Results

The CJIS Division conducted the second cycle NIS Audit of the National Indian Gaming Commission during August 2014. (b) (5)

(b) (5)

(b) (5)

Background

The FBI's CJIS Division has established audit programs for the purpose of evaluating compliance with policy requirements associated with access to CJIS systems and information. In 1993, the CJIS Audit Unit developed a performance-based audit for the purpose of reviewing administrative processes at state criminal history record repositories. With the development of the FBI's NGI, the expansion of the III and NFF programs, as well as the increase in authorized use of CHRI for non-criminal justice purposes, the audit grew in scope to become the NIS Audit program.

Scope and Methodology

The NIS Audit assesses compliance with III and NFF participation standards; federal laws and regulations associated with the use, dissemination, and security of CHRI; and Compact rules and procedures. Additional policy requirements may be assessed based upon applicability to specific agencies. The NIS Audit is conducted of state criminal history record repositories, federal agencies, and other entities that are authorized direct access to NGI and III, and includes reviews of local agencies which receive CHRI for non-criminal justice purposes. Audits are typically conducted on a triennial cycle and are comprised of administrative interviews and data quality analysis.

About This Report

The NIS Audit Report is divided into the Non-Criminal Justice Use of CHRI and User Fee section and the Data Quality Summary. The Non-Criminal Justice Use of CHRI and User Fee section contains a findings summary chart illustrating the compliance status for each policy. Policies are referenced, and findings are detailed as necessary to ensure a clear understanding of compliance issues. The Data Quality Summary details the results of data quality review used to support assessment of policy compliance.

Out of compliance findings require a response and are presented with recommendations and analysis in bold text. Findings designated as either an area of concern or note of interest do not require a response and are presented with recommendations and analysis in non-bold text. All recommendations in the body of the report correspond to those in the Executive Summary. The Data Quality Summary details the results of data quality reviews used to support assessment of policy compliance.

Non-Criminal Justice Use of CHRI and User Fee

Policy and Local Agency Finding							
	Use of CHRI	Reason Fingerprinted Field and Purpose Code Usage	Dissemination of CHRI	Applicant Notification and Record Challenge	Security of CHRI	Oursourcing of Non-Criminal Justice Administrative Functions	Non-Criminal Justice Agency Audits
Agency Evaluation	(b) (5)						
NIGC – Tulsa Regional Office							
Local Agency Evaluation							
Wyandotte Nation Gaming Commission							
Eastern Shawnee Tribal Gaming Commission							
Overall Finding							

Note: IN = In Compliance, OUT = Out of Compliance, A/C = Area of Concern, N/I = Note of Interest, ■ = Not Assessed

(b) (5)

(b) (5)

(b) (5)

Data Quality Summary

Non-Criminal Justice Use of CHRI and User Fee

Use of CHRI and Reason Fingerprinted

January 2014 – June 2014	Transactions Reviewed	Unauthorized Use of CHRI	Inaccurate Reason Fingerprinted	Unknown Reason Fingerprinted
Wyandotte Nation Gaming Commission	25	0	0	0
Eastern Shawnee Tribal Gaming Commission	25	0	0	0
Totals	25	0	0	0

Appendix A – Response to Audit Findings			
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Response will be incorporated as part of the final audit report.

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Date	Publication Number	Title	Topic
04/20/1994	No. 1994-4	Tribal Background Investigations, Suitability Determinations, and Licensing of Key Employees and Pri	Regulatory Processes, Procedures & Tools

Tribal Background Investigations, Suitability Determinations, and Licensing of Key Employees and Pri

Date: April 20, 1994

Subject: Tribal Background Investigations, Suitability Determinations, and Licensing of Key Employees and Primary Management Officials.

The National Indian Gaming Commission (NIGC) has received numerous inquiries regarding the licensing of key employees and primary management officials under the NIGC's regulations. Tribes have inquired, in particular, about the procedures for conducting background investigations and about the "adequacy" of background investigations.(8) In addition, the NIGC has received inquiries about the contents of the investigative reports to be submitted to the NIGC on each key employee and primary management official.

This Bulletin addresses procedures for conducting background investigations, making suitability determinations and issuing licenses to key employees and primary management officials. This Bulletin also contains some recommendations for conducting background investigations. Because background investigations will vary on a case-by-case basis, it is inappropriate to formulate a standard or "boilerplate" background investigation program. Therefore, the procedural recommendations contained in this bulletin should be tailored to the individual circumstances.

GOVERNMENTAL FUNCTIONS

Section 558.1 of the NIGC's regulations provides that the licensing authority for class II and class III gaming is a tribal authority. Effective regulatory oversight requires that there be a separation between the regulation and operation of tribal gaming activities. Because the licensing of key employees and primary management officials is a governmental responsibility, the tribal government is solely responsible for conducting background investigations, making suitability determinations and issuing licenses. Section 522.2(c) requires tribes to submit to the NIGC, during the ordinance review process, a description of procedures for issuing licenses to key employees and primary management officials. To meet this requirement, a tribe must identify the governmental entity responsible for issuing licenses.

Since licensing is a governmental responsibility, the person(s) responsible for reviewing and approving investigative work and making suitability determinations must be employed by the tribal government. To avoid any possible conflict of interest, such person(s) should not be employed by the gaming operation.

The FBI has authorized dissemination of the criminal history record information (CHRI) reports only to tribal governments (See FBI Policy Statement attached to NIGC Bulletin 93-1). Accordingly, before CHRI information is disseminated to a tribe, it will be necessary for that tribe to designate the governmental officials who will have access to the information for purposes of making licensing determinations. Individuals employed by or working in the gaming operation should not be designated as individuals who will receive CHRI information. Failure to limit distribution of the CHRI in this manner could jeopardize a tribe's right to receive CHRI information from the NIGC.

Tribes should provide the NIGC with a list of persons in the tribal government who will have access to criminal history information. If possible, this list should be provided during the ordinance review process. If the tribe uses the NIGC to process fingerprint cards and the tribe has an approved gaming ordinance, the tribe should send this list to the NIGC as soon as possible.

BACKGROUND INVESTIGATIONS

Section 522.4(b)(5) of the NIGC's regulations requires tribes to perform background investigations and issue licenses according to requirements at least as stringent as those in 25 C.F.R. Parts 556 and 558. Part 556 contains the minimum application requirements and the requirements for preparing and submitting investigative reports to the NIGC. Part 558 contains the requirements for making suitability determinations, procedures for forwarding reports and applications to the NIGC, and procedures for issuing and suspending licenses. If a tribal-State compact exists for class III gaming, and the tribe maintains licensing authority, the tribe is responsible for ensuring that background investigations are conducted according to requirements at least as stringent as 25 C.F.R. parts 556 and 558.

Because the scope of background investigations will vary depending upon the information gathered, the NIGC believes that it is inappropriate to formulate a "boilerplate" background investigation program which the tribes must follow in order to meet the NIGC's requirements. Instead, the NIGC believes that the adequacy of a background investigation directly depends upon an analysis of the information contained in an application.

an application.

In general, the appropriate scope of a background investigation will vary depending upon several factors including, the type of position an applicant is seeking within an operation, the extent of an applicant's employment within the gaming industry, and the relationship of the applicant to the tribe. The NIGC recommends that the major areas of focus in a background investigation generally include criminal history information, personal character information, financial history information, and gaming experience. Such information is critically important to making a suitability determination.

Investigative procedures

As an initial step, information on each applicant should be obtained through the application process. An application for employment must include, at a minimum, the information contained in 25 C.F.R. §§ 556.1, 556.2, 556.3, and 556.4. Each background investigation should begin with an initial verification of the information contained in the application.

To relieve some of the burden from the tribe, the NIGC recommends that applicants be required to provide as much documentation as possible to verify the information contained in their application. For example, to aid in an investigation, an applicant may be required to provide copies of certain documents such as his/her birth certificate, social security card, drivers license. Information may also be verified by letter, telephone call or personal visit. Also, to ensure easier access to information, the NIGC recommends that tribes gather as much information as possible through the use of public records.

For access to information that is not generally available through the public record, tribes should consider using a Release Form signed by an applicant. A copy of the form being used by the NIGC is included as Attachment 1. A properly executed Release Form will usually allow access to personal files and information not readily available to the general public. This Release Form, if worded correctly, may also provide protection from legal repercussions to the requestor and the entity from which the information is requested.

The following identifies the information in an application that should be verified or subjected to additional investigative procedures. This list also includes some recommendations for verifying the information:

- (i) Verify the applicant's name, place of birth, date of birth, and citizenship by requiring the applicant to provide items such as a birth certificate, social security card, or passport.
- (ii) Confirm the applicant's business and employment positions held and ownership interests in those businesses currently and for the past 5 years by attempting to contact through written letter, telephone calls or personal visits to past employers listed in the application and through ownership documentation such as copies of partnership agreements, stock certificates, or IRS tax returns.
- (iii) Obtain the applicant's driving record by using the applicant's driver's license number to contact the Department of Motor Vehicle in the state where the license is issued.
- (iv) Ascertain character information about the applicant by contacting the personal references identified in the application.
- (v) Inquire into any existing or previous business relationships the applicant has had with Indian tribes, including the scope of those relationships, by contacting those tribes identified in the application. Also, the investigator should contact other state and federal entities that have contact with Indian tribes to obtain other information available.
- (vi) Gather information about any existing or previous business relationships the applicant has had in the

gaming industry, including the scope of those relationships, by contacting those entities identified in the application. Also, when appropriate, the investigator should contact other state gaming agencies or the NIGC to obtain other information available.

(vii) Verify the applicant's history and status with any licensing agency identified by the applicant with which the applicant has applied for an occupational license or permit by contacting those agencies.

(viii) Obtain information regarding any past felonies, misdemeanor convictions, or criminal charges within the last 10 years by contacting state, city, county and tribal courts, and state, local, and tribal police departments in the applicant's areas of residence. The NIGC recommends obtaining as much information as possible through public court records. Also, a tribe may require an applicant to submit any court documents pertaining to the applicant's civil or criminal history.

(ix) Obtain and verify any other information the tribe deems relevant to complete a thorough background investigation. This may include the use of a credit reporting agency.

Once a tribe has satisfied itself as to the accuracy of the information contained in the application, the information should be analyzed. If questions arise (i.e., information is obtained about an applicant's criminal activities, financial problems, character deficiencies), the investigator should probe further into the applicants' background and either broaden the scope of the investigation or focus in more detail on a potential problem area. It is during this analysis phase that the depth of background investigations will vary considerably. The adequacy of each background investigation will depend on the detailed analysis of the information obtained through the investigative process.

Fingerprint checks

Section 522.2(h) of the NIGC's regulations also requires tribes to identify the entity responsible for processing fingerprint cards through the Federal Bureau of Investigation (FBI). Under certain circumstances, tribes may elect to use the state rather than the NIGC to process fingerprint cards through the FBI. If a tribe wishes to use the state to process fingerprint cards for non-law enforcement purposes, the tribe must first contact their respective state identification bureaus to determine whether the state has the authority to process fingerprint cards for such purposes.

Unless a state has authority to process fingerprint cards through the FBI for non-law enforcement purposes, tribes must use the NIGC to process fingerprint cards. To do this, tribes must execute a memorandum of understanding with the NIGC (See NIGC Bulletin 93-2). Tribes should also send a letter to the NIGC requesting the number of fingerprint cards needed by the tribe. Fingerprints processed through the NIGC must be taken on fingerprint cards bearing NIGC's ORI number. If a tribe has already taken fingerprints for numerous applicants on another agency's cards, the tribe must cover the existing ORI number and put the NIGC's ORI number on the card. If the NIGC is responsible for processing the fingerprints, printed cards must be sent directly from the law enforcement agency that takes the fingerprints to the NIGC.

Investigative sources

The following is a list of agencies that may have information regarding applicants. Some may require that a tribe enter into a memorandum of understanding or have law enforcement status before certain information not otherwise available is shared.

FEDERAL AGENCIES

Department of the Interior (BIA, Inspector General)

National Indian Gaming Commission

U.S. District and Appellate Courts-civil/criminal/bankruptcy

U.S. Attorneys

STATE AGENCIES AND ORGANIZATIONS

State Gaming Boards and Commissions

Department of Public Safety

Department of Motor Vehicles

Secretary of State - Corporations Divisions

State Bar Associations/Accountancy Boards/Contractor Boards/Other state licensing agencies

State Crime Commissions

State Courts-civil and criminal

COUNTY/CITY AGENCIES AND ORGANIZATIONS

County Courts - civil/criminal

County Licensing Departments

Recorder of the Deeds/Assessor's Office/Treasurer's Office

County Sheriff's Office

County Police Department

Chamber of Commerce

Better Business Bureau

Investigative reports

Before issuing a license to a primary management official or a key employee, tribes are required to forward to the NIGC investigative reports on each background investigation conducted. Each investigative report must include the following:

(1) A description of the steps taken in conducting the background investigation. This steps may, for example, be provided by:

(a) a step by step recitation of the work done; or

(b) a checklist or program with indication of procedures completed.

(2) An explanation of the results obtained. This may be supplied by listing any exceptions, areas of concern, or negative information obtained in the course of the investigation.

(3) A statement as to the conclusions reached. Where no exception, area of concern or negative information was obtained the report should so state. Where exceptions, areas of concern or negative information was obtained, the conclusions as to each should be provided.

(4) The bases or justifications for each of the conclusions.

Attachment 2 is a sample investigative report which the NIGC believes sufficiently meets the requirements of 25 C.F.R. §556.5. The report is included merely for informational purposes. Tribes are not required to use the format contained in the sample report.

SUITABILITY DETERMINATION

An authorized tribal official must review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility for employment in the gaming operation. If the authorized tribal official, in applying the standards adopted in a tribal ordinance, determines that employment poses a threat to the public interest or to the effective regulation of gaming, or enhances the dangers of unsuitable, unfair, or illegal practices and methods in the conduct of gaming, a management contractor or a tribal gaming operation shall not employ that person in a key employee or primary management official position.

Use of Investigative Work

An authorized tribal official should use the investigative report as the basis for reviewing a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or a primary management official for employment in a gaming operation. The authorized tribal official should pay particular attention to:

- 1) The truthfulness of the applicant's answers to questions asked;
- 2) The applicants criminal record, if any;
- 3) Any conflicting or additional information; and
- 4) Mitigating circumstances cited by the investigator.

A sample suitability determination is included as Attachment 3.

LICENSING

Upon completion of a background investigation and a determination of eligibility (suitability) for employment in a gaming operation, tribes must forward an investigative report and suitability determination to the NIGC within 60 days after an employee begins work. The Chairman may, during the ensuing 30 days, request additional information from a tribe concerning a key employee or primary management official who is the subject of a report. Such a request suspends the 30 day period until the Chairman receives the additional information.

If the NIGC notifies a tribe that it has no objections to the issuance of a license to a particular applicant, the tribe may issue a license to such applicant. If the NIGC provides the tribe with a statement itemizing objections to the issuance of a license to a particular applicant, the tribe must reconsider the application, taking into account the objections itemized by the NIGC. The tribe, however, makes the final decision whether to issue a license to such applicant.

ATTACHMENT 3
SUITABILITY DETERMINATION
(25 CFR 558.2)

Based on the information reviewed and the investigative findings, and taking into consideration the applicant's prior activities, criminal record, if any, reputation, habits and associations, the (Tribal Gaming Commission or authorized Tribal governmental official) has determined that _____ should be:

☐ granted a license.

☐ denied a license.

TRIBE

INVESTIGATIVE REPORT

(25 CFR 556.4)

I. APPLICANT INFORMATION

NAME: _____

DOB: _____ SSN: _____

APPLICANT STATUS: ☐ Primary Management Official

☐ Key Employee

POSITION HELD OR APPLIED FOR: _____

DATE EMPLOYED: _____

II. STEPS TAKEN IN CONDUCTING BACKGROUND INVESTIGATION:

This section should reflect the steps taken in conducting the background investigation based upon the investigative procedures discussed in this bulletin. Remember that the description of steps taken in conducting the investigation can be provided in a step by step recitation or by the way of a checklist or program which indicates certain procedures have been completed.

III. RESULTS OF THE INVESTIGATION

This section reflects the results of all checks completed during the investigation, and additional steps taken to examine any problems areas identified.

IV. CONCLUSIONS

This section contains a recitation of the investigative findings, whether positive or negative, which are

This section contains an explanation of the investigative findings whether positive or negative which were uncovered as a result of the background investigation and the basis for the licensing determination.

DATE INVESTIGATOR

8. 8 In June 1993, the NIGC circulated a Model Ordinance and Description of Procedures for Conducting Background Investigations. The NIGC encourages tribes to use this Description of Procedures when formulating their own procedures.

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