



Notice of Proposed Rulemaking

2026 Anti-Money Laundering and Countering the Financing of Terrorism Programs

Tribal Consultation Summary

Background

On May 12, 2026, the U.S. Department of the Treasury (Treasury) held a Tribal consultation on a Notice of Proposed Rulemaking (NPRM) that the Financial Crimes Enforcement Network (FinCEN) published in the Federal Register on April 10, 2026, entitled “[Anti-Money Laundering and Countering the Financing of Terrorism Programs](#).” (2026 AML/CFT Program NPRM).¹ FinCEN issued the NPRM pursuant to the Anti-Money Laundering Act of 2020 (AML Act).²

Enacted in 1970 and amended several times since, the Bank Secrecy Act (BSA) is designed to combat money laundering, the financing of terrorism, and other illicit financial activities (collectively, ML/TF). Congress has authorized the Secretary of the Treasury to administer the BSA, and that authority has been delegated to FinCEN. Under the BSA, financial institutions must establish AML programs to ensure compliance with the BSA and guard against ML/TF. Regulations have been issued to specify how financial institutions should comply with this requirement. Financial institutions include casinos and banks that may be operated by a Tribal government.³

In 2021, Congress passed the Anti-Money Laundering Act of 2020 (AML Act)³ to comprehensively update the BSA to “modernize anti-money laundering and countering the financing of terrorism laws to adapt the government and private sector response to new and emerging threats.”⁴ Among other requirements, the AML Act provides that AML/CFT programs are to be “risk-based” and “reasonably designed to assure and monitor compliance with the requirements of the BSA.”⁵

In addition to advancing the goals of a modernized BSA regulatory and supervisory regime, Treasury and FinCEN have played a leading role in supporting Executive Order (E.O.) 14192, *Unleashing Prosperity Through Deregulation*.⁶ The E.O. announced an Administration policy to “significantly reduce the private expenditures required to comply with Federal regulations to secure America’s economic prosperity and national security and the highest possible quality of life for each citizen” and “alleviate unnecessary regulatory burdens placed on the American people.” FinCEN has proposed a rule consistent with the E.O. and the AML Act’s statutory requirements, which is the subject of this Tribal consultation.

Details about the topics of conversation for the Tribal consultation can be found in the [Dear Tribal Leader Letter](#) published on April 13, 2026. Treasury held a virtual consultation to maximize Tribal participation across Indian Country. Over 80 attendees joined the virtual consultation, and seven written comment letters were received. Commenters represented 125 different Tribal governments and financial institutions. The comment period was initially open until June 12, 2026, but it was extended through July 13, 2026.

¹ FinCEN, *Anti-Money Laundering and Countering the Financing of Terrorism Program*, 91 FR 18704 (Apr. 10, 2026).

² The AML Act is a component of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283 (Jan. 1, 2021). The aspects of the AML Act most relevant to this consultation are codified in 31 U.S.C. 5318(h).

³ For the purposes of the program rules, the term “financial institutions” include: banks; casinos and card clubs (casinos); money services businesses (MSBs); brokers or dealers in securities (broker-dealers); mutual funds; insurance companies; futures commission merchants and introducing brokers in commodities; dealers in precious metals, precious stones, or jewels; operators of credit card systems; loan or finance companies; and housing government sponsored enterprises (housing GSEs).

⁴ AML Act, section 6002(2)–(4) (Purposes).

⁵ 31 U.S.C. 5318(h)(2)(B)(iv).

⁶ E.O. 14192, *Unleashing Prosperity Through Deregulation*, 90 FR 9065 (issued Jan. 31, 2025; published Feb. 6, 2025).

Pursuant to Treasury's Tribal [consultation policy](#), below is a summary of the feedback received in Tribal consultation.

Broad Feedback

Recognition of Existing Federal and Tribal Regulatory Oversight

Overall, commenters broadly expressed support for FinCEN's efforts to modernize AML/CFT program requirements. Commenters focused the majority of their written comments on how the proposed rules could impact Tribal gaming entities. Accordingly, commenters requested that FinCEN consult with the National Indian Gaming Commission (NIGC) before the final rule is issued to align compliance expectations and reduce any overlapping documentation requests for Tribal gaming operations.

Commenters shared their primary concern with the proposed rule is that it could unintentionally impose additional federal compliance obligations on Tribal gaming operations beyond those already required under the Indian Gaming Regulatory Act⁷ (IGRA), NIGC regulations and oversight, Tribal-state compact requirements, independent audit requirements, Minimum Internal Control Standards (MICS), and existing BSA obligations.

Commenters further noted that many of the requirements proposed in this NPRM already exist in some form within established federal and Tribal regulatory frameworks. Accordingly, the commenter recommended that the final rule clarify that Tribal casinos may rely on existing compliance documentation, risk assessments, independent testing, governance procedures, and other policies maintained pursuant to federal, Tribal, and gaming regulatory requirements, where those mechanisms address the same objectives contemplated by the proposed AML/CFT program requirements.

Commenters asserted that such clarification would reduce duplicative compliance efforts, promote regulatory efficiency, and recognize the extensive oversight framework already applicable to Tribal gaming operations without diminishing the effectiveness of AML/CFT controls.

Training and Technical Assistance Requests

Commenters explained that Tribal gaming entities differ significantly from non-Tribal gaming entities in both purpose and governance, underscoring the importance of training and technical assistance to support compliance with the final rule. Specifically, commenters noted that revenues generated by Tribal gaming entities are used to fund Tribal government operations and services, including healthcare, public safety, education, social services, and other programs that benefit Tribal citizens. By contrast, commenters stated that revenues generated by non-Tribal gaming entities are generally intended to benefit private owners and shareholders.

Commenters expressed the view that training and technical assistance in the form of webinars, Tribal-specific guidance, FAQs, templates, and access to a dedicated point of contact or other mechanism for addressing compliance questions related to the final rule, could help reduce compliance costs and lessen the need for outside consultants. Commenters shared their belief that resources saved on implementation and compliance activities could instead be directed toward government services.

Tribal Responses to Consultation Questions

Treasury is summarizing comments to specific components in the 2026 AML/CFT Program NPRM for an effective, risk-based, and reasonably designed AML/CFT program. Commenters did not provide comments on all six proposed categories, or components, of minimum requirements for an effective, risk-based, and reasonably designed AML/CFT program.

⁷ 25 U.S.C. §§ 2701–2721.

1. The 2026 AML/CFT Program NPRM sets forth the minimum standards for an effective AML/CFT program while incorporating flexibility for financial institutions, including casinos, to implement their AML/CFT programs based on their specific risk assessment processes. What questions or comments do you have regarding these minimum standards?

Risk Assessment Processes

Commenters stated that a significant operational change resulting from the proposed 2026 AML/CFT Program NPRM requirements will be the obligation to formally document risk assessment processes and to also do so “promptly” when there is change. Commenters explained that Tribal gaming operations already conduct risk evaluations as part of their compliance activities, including assessments of customer demographics, transaction patterns, and historical Suspicious Activity Report (SAR) and Currency Transaction Report (CTR) activity. Commenters noted that SARs and CTRs are important tools used by Tribal casinos to detect, monitor, and mitigate potential criminal activity.

Commenters explained that risk assessment activities are generally incorporated into broader compliance reviews rather than maintained as a discrete, formally documented process. While not a formally documented process, a commenter outlined that its risk assessment activities are reviewed by its gaming commission, independent auditors, internal auditors, the NIGC, and through penetration tests conducted by its compliance officer. Commenters stated that the proposed rule would require existing practices to be formalized, documented, and periodically updated. Accordingly, commenters recommended that FinCEN provide model documentation templates and technical assistance to support implementation and compliance with the new requirements.

Commenters noted that Tribal gaming operations are already subject to extensive internal control requirements under the NIGC’s MICS and Tribal Internal Control Stands (TICS) approved by Tribal Gaming Regulatory Agencies. One gaming commission stated that these frameworks already address many of the risk management and compliance processes that the proposed rule seeks to formalize.

Accordingly, commenters requested that FinCEN clarify in the final rule that existing approved internal control standards addressing AML/CFT-related processes may be incorporated by reference into a casino’s Bank Secrecy Act risk assessment and program documentation, rather than requiring the development of separate duplicative documentation. Commenters asserted that permitting reliance on existing MICS and TICS-based controls would significantly reduce administrative burden without diminishing the effectiveness of AML/CFT program compliance efforts. Commenters further stated that this approach would enable Tribal gaming operations to devote greater resources to substantive risk management activities over duplicative documentation and procedural requirements.

Risk-Based Allocation of Attention and Resources

Commenters commended FinCEN for recognizing that financial institutions are best positioned to identify and evaluate their own AML/CFT risks. Commenters stated that allowing flexibility to determine risk based on their unique operational environment, customer base, geographic location, and other relevant factors enables each Tribal gaming entity to direct resources and attention to higher-risk areas.

One commenter explained that its Tribal Gaming Regulatory Authority (TGRA) oversees several casinos in Oklahoma and that a risk-based approach allowing greater focus on higher-risk customers, transactions, and activities would reduce unnecessary compliance burdens on the TGRA. The commenter further stated that the proposed approach would help conserve Tribal regulatory resources while ensuring that appropriate attention and diligence are directed toward customers and activities presenting elevated risk.

To promote consistent implementation and reduce compliance misunderstandings, some commenters requested that the final rule retain the flexibility provided in this NPRM while including guiding principles, such as illustrative, non-exhaustive examples of higher-risk customers and higher-risk activities.

Independent Testing Component – Frequency

The proposed rule requires “independent AML/CFT program testing.” Commenters requested that the final rule provide more specific guidance regarding the minimum frequency of independent testing. Commenters expressed concern that the absence of clear standards could lead to inconsistent examination and create compliance uncertainty for Tribal gaming operations that are otherwise acting in good faith to comply with the rule.

Commenters further stated that frequency standards should be calibrated to a financial institution’s size, complexity, and risk profile. To promote consistency and scale of risk, commenters suggested that the final rule establish risk-based testing frequencies, such as annual independent testing for larger, higher-risk financial institutions, and biennial testing for smaller, lower-risk facilities. Commenters also recommended that supplemental testing be required when significant changes occur to an institution’s AML/CFT program, business activities, or risk profile.

Distribution Channels

Under the proposed rule, financial institutions must establish and maintain risk assessment processes to evaluate illicit finance activity risks of the “business activities, including products, services, distribution channels, customers, and geographic locations.” Commenters request guidance on the meaning of “distribution channels” in the context of Tribal gaming operations. Commenters asked whether the term encompasses player rewards and loyalty programs, casino credit systems, electronic gaming machine networks, online or mobile gaming applications, arrangements with third-party promoters or marketing affiliates, or other mechanisms through which gaming services are offered to customers.

Commenters recommended that FinCEN provide casino-specific guidance defining the scope of “distribution channels” to ensure consistent implementation of risk assessment requirements and to avoid uncertainty regarding which aspects of gaming operations must be evaluated and documented.

Customer Due Diligence Exclusions

Commenters thanked Treasury for excluding casinos and card clubs from customer due diligence (CDD) requirements. The commenters detailed that the requirements, sometimes referred to as “know-your-customer” requirements, are not practical in gaming environments due to the sheer volume of casino patronage and activity. Additionally, commenters stated that existing requirements under the NIGC and the Internal Revenue Service (IRS) also provide effective safeguards against illicit activity by potential bad actors. Commenters noted that gaming facilities that do not extend credit have limited natural touchpoints to collect comprehensive customer identification information and that the regulatory objectives underlying CDD requirements are already addressed through a combination of player club enrollment data, credit application processes (where applicable), Currency Transaction Report (CTR) requirements, Suspicious Activity Report (SAR) obligations, and the NIGC’s MICS

Accordingly, these commenters recommend that FinCEN retain this exclusion in the final rule and explicitly clarify in the preamble that the risk assessment and internal control requirements applicable to Tribal casinos do not create or imply CDD-equivalent obligations

2. Regarding the requirement that financial institutions, including a casino, must both establish and maintain an AML/CFT program by implementing the program in all material respects, what questions or comments do you have? Do Tribal financial institutions distinguish between establishing a program, implementing a program, and maintaining a program?

Establishing, Maintaining, and Implementing Programs

Commenters noted that the proposed rule requires financial institutions to promptly update their risk assessment processes upon any change the financial institution knows or has reason to know significantly changes its risk profile. While commenters generally support this “maintain” standard, they requested additional clarification regarding the threshold of significant change in a Tribal gaming context.

Commenters explained that Tribal casinos routinely make operational adjustments that do not materially affect their AML/CFT risks and therefore do not warrant a formal update to a risk assessment. Accordingly, commenters recommend that the final rule provide illustrative examples of changes that would, and would not, be considered a material change for purposes of triggering a risk assessment update. Commenters further requested confirmation in the final rule that this standard is intended to apply only to meaningful changes in risk exposure and would not require continuous reassessment in response to routine operational developments.

Training, Personnel, and AML/CFT Officer

Commenters stated that TGRAs already play a significant role in AML/CFT compliance, including the responsibility for ongoing employee training programs. Commenters explained that TGRAs oversee new-hire AML/CFT training, annual refresher training, and other continuing education efforts designed to ensure ongoing compliance with Bank Secrecy Act requirements.

One commenter noted that its TGRA is also responsible for conducting a required 90-day AML/CFT follow-up training for newly hired employees and for providing ongoing compliance guidance and support to gaming operations. Commenters highlighted these existing responsibilities as evidence that TGRAs possess substantial expertise in AML/CFT compliance and are already actively engaged in implementing and overseeing key components of casino AML/CFT programs.

A commenter requested clarification that the final rule does not require Tribal gaming operations to employ a dedicated, full-time AML/CFT officer regardless of the size, complexity, or risk profile of the gaming operation. The commenter explained that many Tribal gaming operations utilize compliance personnel who perform multiple compliance-related functions and responsibilities, including AML/CFT compliance. The commenter further stated that Tribal gaming operations are best positioned to determine appropriate staffing structures based on their budgets, operational needs, organizational structure, and risk profiles. Accordingly, the commenter recommended that the final rule explicitly confirm that financial institutions may assign AML/CFT officer responsibilities in a manner that corresponds to their size and risk profile.

3. As described above, the 2026 AML/CFT Program NPRM provides that a financial institution’s internal policies, procedures, and controls must be “risk-based” and “reasonably designed.” Do Tribal financial institutions expect any changes to their existing internal policies, procedures, and controls under the proposed rule? Do Tribal financial institutions have questions regarding this requirement?

Commenters expressed appreciation for the flexibility afforded by the proposed rule’s use of the terms “risk based” and “reasonably designed.” However, commenters also raised concerns that the lack of clear definitions could result in subjective evaluations of AML/CFT programs. Specifically, commenters noted that a Tribal casino may implement a program that is tailored to its risk profile, approved by its board of directors or equivalent governing body, and consistently applied, yet still face enforcement risk if an examiner’s interpretation of what constitutes a “reasonably designed” program differs from that of other financial institutions.

Commenters expressed concern that even minor differences in interpretation could result in findings of noncompliance and lead to unnecessary compliance costs. Accordingly, commenters recommend that the final rule provide casino-specific criteria or guidance defining what constitutes a “reasonably designed” AML/CFT program for gaming enterprises of varying sizes, risk profiles, and levels of operational complexity.

4. The 2026 AML/CFT Program NPRM would require that a financial institution’s written AML/CFT program be approved by its board of directors, an equivalent governing body, or appropriate senior management. Should FinCEN further clarify which aspects of the AML/CFT program must be subject to such approval? In particular:

- a. Should approval be required for each of the core program components (e.g., the risk assessment processes framework; internal policies, procedures, and controls; transaction-monitoring and escalation frameworks; independent testing structure; training program; and designation of responsible personnel), or would approval of the overall program framework be sufficient?

Commenters thanked FinCEN for recognizing concerns regarding the 2024 Program NPRM’s requirement that a financial institution’s board of directors, or equivalent governing body, approve and oversee AML/CFT programs. Commenters noted that, in the context of Tribal casinos, this responsibility would have fallen to Tribal councils. These government officials have primary duties encompassing the governance and administration across a broad range of services including public safety, housing, health care, education, economic development, and cultural preservation.

While commenters appreciated FinCEN’s efforts to address concerns raised in response to the 2024 Program NPRM, they requested that the final rule explicitly confirm that the “equivalent governing body” provision is intended to accommodate Tribal governance structures. Specifically, commenters sought clarification that, where a Tribe has established a TGRA or gaming enterprise management structure with delegated compliance authority, approval and oversight by that body would satisfy the 2026 AML/CFT Program NPRM’s governance requirements. Commenters emphasized the importance of recognizing the role of TGRAs in oversight of AML/CFT core program components. Commenters noted that every Tribal gaming operation, regardless of its business structure, is subject to oversight by a TGRA. Commenters explained that TGRAs are responsible for regulating Tribal gaming operations, including reviewing and approving internal control standards pursuant to the NIGC’s MICS.

Commenters further emphasized that TGRAs are independent governmental instrumentalities of Tribal governments and are distinct from casino management and other operational leadership. As such, commenters asserted that TGRAs (not casino management) are the best positioned entities to review, approve, and oversee AML/CFT programs in the Tribal gaming context. Accordingly, commenters recommended that the final rule explicitly recognize TGRAs as

appropriate oversight authorities for casino AML/CFT programs and clarify that approval by a TGRA satisfies the rule's governance and oversight requirements where applicable under Tribal law and governance structures.

- b. Should material revisions to particular components (such as significant changes to the institution's risk assessment methodology, monitoring architecture, or governance structure) require re-approval at the same level?**

Commenters noted that a TGRA is uniquely positioned to understand the operational characteristics, risk profile, and regulatory needs of their respective gaming enterprises. As such, commenters asserted that allowing TGRAs to determine the appropriate level of review and approval for material AML/CFT program revisions would further the underlying objectives of effective compliance, while respecting Tribal regulatory authority.

- c. What level of specificity should the approving body be required to review and approve (e.g., high-level program architecture versus detailed policies and procedures)?**

Commenters stated that decisions regarding the review and approval of policies, procedures, and other operational aspects of AML/CFT programs should remain within the responsibilities of each TGRA, consistent with the Tribe's governance and regulatory structure.

- d. What other questions or feedback do you have about any other aspects of the proposed rule that are not covered by the above topics?**

Automated Data Processing Requirement

Commenters expressed support for the 2026 AML/CFT Program NPRM's proposal to remove the requirement that casinos with automated data processing systems use automated programs to aid in assuring compliance. Commenters noted that the existing requirement at 31 CFR 1021.210(b)(2)(vi) created examination uncertainty by suggesting that the absence of automated compliance tools could be viewed as a deficiency, even where manual controls were more appropriate given the institution's size, complexity, and risk profile.

Commenters commended FinCEN's decision to remove this provision, stating that, when coupled with the proposed rule's broader support for responsible technological innovation, the change appropriately shifts the focus from prescribed compliance processes to overall program effectiveness. Commenters further stated that AML/CFT program requirements should remain technology-neutral and allow institutions flexibility to implement controls that are commensurate with their risks and operational realities. One commenter stated that, while it uses automated data processing tools to improve efficiency and assist in identifying patterns, trends, and potentially suspicious activity, technology alone is insufficient to effectively detect and prevent AML/CFT. The commenter requested that the final rule clarify that financial institutions may use a hybrid approach that combines automated monitoring with human review and judgment to address the specific risks presented by their operations.

Accordingly, commenters requested that the preamble or final rule explicitly confirm that a Tribal casino's reliance on manual compliance processes will not be treated as a deficiency where those processes are reasonably designed, effectively implemented, and consistent with the casino's documented risk profile and AML/CFT program.

Effective Date

Commenters expressed support for the 2026 AML/CFT Program NPRM's proposed 12-month effective date and thanked FinCEN for extending the implementation period from the six months proposed in the 2024 proposed rulemaking.

Technical Assistance Requests

Commenters requested that FinCEN provide technical assistance during the implementation of the final rule, including training webinars, educational resources tailored to Tribal gaming enterprises, and model risk assessment frameworks and templates to facilitate compliance. A commenter shared that providing training and technical assistance directly to financial institutions would reduce the use of external consultants and compliance software vendors. The commenter noted that while these private sector services can provide value, there is concern that they will promote overly complex interpretations and costly training programs that exceed FinCEN's intent of a practical risk-based approach.

In addition, commenters requested that FinCEN establish a dedicated point of contact or other assistance mechanism to address Tribal gaming compliance questions during the transition period. Commenters further recommended that these technical assistance resources remain available for at least 12 months following the effective date of the final rule, noting that implementation and audit-related questions are likely to arise after initial program adoption. The commenters added that, given the economic importance of Tribal gaming entities, training and technical support to Tribal gaming entities following the publication of the final rule is of critical importance to Tribes.

Request for Enforcement Protections

Commenters stated that one of the most significant practical benefits of the proposed rule is its recognition that financial institutions with properly established AML/CFT programs should not be subject to enforcement actions based solely on isolated implementation failures. Commenters noted that this principle is expressly reflected in proposed 31 CFR 1020.221 for banks. However, commenters observed that although the proposed casino rule at 31 CFR 1021.210 adopts the same "establish, maintain, and implement" framework, it does not contain a comparable provision addressing the enforcement consequences of isolated implementation deficiencies.

Commenters asserted that the policy rationale underlying the proposed bank provision applies equally to casinos. Specifically, commenters stated that Tribal gaming enterprises that invest substantial resources in designing, maintaining, and implementing reasonably designed AML/CFT programs should receive similar regulatory certainty and should not face significant enforcement actions based solely on isolated, technical, or immaterial implementation errors.

Accordingly, commenters urged FinCEN to either: (1) explicitly state in the preamble to the final rule that the distinction between establishing and implementing an AML/CFT program carries the same protective effect for casinos as it does for banks, such that a casino with a properly established and maintained program will not be subject to significant enforcement action based solely on isolated implementation deficiencies; or (2) incorporate an explicit enforcement framework provision into 31 CFR 1021.210 that mirrors the protections set forth in proposed 31 CFR 1020.221 for banks.

