

David A. Rome
Acting General Counsel
drome@mohegangamingadvisors.com
Direct dial: 860.862.6813

February 21, 2012

Tracie L. Stevens, Chairwoman
Steffani A. Cochran, Vice-Chairwoman
Daniel Little, Associate Commissioner
National Indian Gaming Commission
1441 L Street, NW, Suite 9100
Washington, DC 20005

Re: Comments on Proposed Changes to 25 CFR Part 537;
Management Contracts – Background Investigations
76 Fed. Reg. 79565 (Dec. 22, 2011)

Dear Chairwoman Stevens, Vice-Chairwoman Cochran and Commissioner Little:

On behalf of the Mohegan Tribe of Indians of Connecticut, the Mohegan Tribal Gaming Authority and Mohegan Gaming Advisors, thank you for scheduling additional consultations and providing the opportunity to comment on proposed rules which have resulted from the NIGC's comprehensive review of its regulations undertaken since 2010.

We write today specifically to support the proposed change to Part 537 which will give the Chair discretion to streamline the background investigation of tribes and tribal entities when they have a financial interest in a management contract. We support also the clarification of what types of institutional investors may be entitled to an expedited background investigation in the discretion of the Chair.

The Mohegan Tribe and Mohegan Tribal Gaming Commission have provided earlier comments on various regulations in Groups 1, 2, 4 and 5, but we want to highlight support for the changes to Part 537 because the principle of tribes working together with other tribes in gaming management is a core reason why the Mohegan Tribe and Mohegan Tribal Gaming Authority have formed a new unit, Mohegan Gaming Advisors, dedicated to gaming management and consulting opportunities, particularly with other tribes.

The first proposed change to Section 537.1(a)(4) -- adding a tribe or wholly owned tribal entity to the very short list of entities for which the Chair may reduce the scope of information to be furnished and background investigation to be conducted -- is consistent with Executive Order 13175 as reinforced in President Obama's memorandum on tribal consultation in November 2009. Section 6 of that Executive Order, under the heading "Increasing Flexibility for Indian Tribal Waivers," contemplates federal agencies taking appropriate steps to streamline the processes for

Indian tribes to apply for waivers of statutory and regulatory requirements. The Chair's exercising discretion over the background investigation of a tribal entity is an appropriate waiver and reflects the government-to-government relationship between tribes and the federal government.

Expediting the review of tribal entities will also encourage tribes to form joint ventures and bring together expertise and financial resources from different gaming operations and markets and strengthen inter-tribal relationships. We believe such alliances foster a goal of IGRA to protect and enhance Indian gaming and tribal economic development.

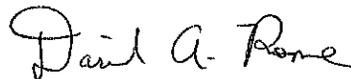
A second change to the parenthetical language in Section 537.1(a)(4) would give the Chair discretion to reduce the scope of a background investigation for a national bank, and we do not object to that addition which is consistent with many tribal-state compact provisions in exempting federal or state licensed lending institutions from licensure.

Finally, the third change to the parenthetical language would clarify that the Chair will only be exercising the same discretion over institutional investors which are federally regulated or already investigated pursuant to a tribal-state compact. Since "institutional investor" is not defined in the regulations, we believe this is a reasonable limitation.

As a management contractor whose principals and key employees are licensed in both tribal and state commercial gaming jurisdictions and are regularly applying for new licenses in jurisdictions where gaming is expanding, Mohegan Gaming Advisors supports the changes to Part 537 not just because they may avoid some duplication of efforts for our personnel, who are accustomed to detailed licensing and renewals, but because these changes will help avoid unnecessary duplication of efforts for other tribal partners and well-regulated institutional investors.

Thank you again for this opportunity to comment and voice our support for these meaningful changes to Part 537.

Sincerely yours,

A handwritten signature in cursive script that reads "David A. Rome".

David A. Rome

cc: Bruce "Two Dogs" Bozsum, Chairman, Mohegan Tribe
Gary Van Hettinga, President, Mohegan Gaming Advisors