



Navajo Nation Gaming Enterprise

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February 21, 2012

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

Re: Proposed NIGC Rules on 25 CFR Part 537 and 25 CFR Parts 556 and 558

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

On behalf of the Navajo Nation Gaming Enterprise (“NNGE”), we offer the following comments in response to the National Indian Gaming Commission’s (“NIGC”) Proposed Rules on 25 CFR Part 537 (76 FR 79565 (Dec. 17, 2011) and 25 CFR Parts 556 and 558 (76 FR 79567 (Dec. 17, 2011)).

1. Part 537 – Management Contracts – Background Investigations

The NNGE does not object to the NIGC’s proposed changes to Part 537.

The NIGC’s proposed change to Part 537(a) would reduce the background investigations of certain tribal entities and national banks or institutional investors that are federally regulated or are required to undergo a background investigation and licensure by a state or tribe pursuant to a tribal-state compact. The intent of the proposed change is to streamline review for such entities in the background investigation process required for management contracts.

We understand that the NIGC’s hope with the proposed change is to reduce duplicative investigations while also maintaining the integrity of the NIGC review. The NNGE believes the proposed change to Part 537 is reasonable toward these ends.

2. Parts 556 and 558 – Tribal Background Investigations and Licensing

The NNGE supports the NIGC’s proposed changes to Parts 556 and 558 which would convert the pilot program for background investigations and licenses for gaming operation key employees and primary management officials into a permanent regulation. Pursuant to the

proposal, when a tribe issues a license, the tribe would only need to submit a notice of results to the NIGC rather than an application or investigative report. The tribe would also be required to submit a notice of the issuance of a license to the NIGC. The NNGE supports this proposal because its objective is to reduce the quantity of documents a tribe would be required to submit to the NIGC and the NNGE believes the proposal will meet that objective.

Further, the NNGE supports the proposed change to Part 556.4(b) which would allow tribes to rely on notice of results of an applicant already on file with the NIGC, and to simply update the investigation and investigative report. The NNGE believes this will save effort and resources on the part of the tribes.

The NNGE supports the fact that the proposed rule includes the caveat in Part 558.1 that Part 558 does not apply to a license that is intended to expire within 90 days of issuance. This would allow tribes to issue temporary licenses without adhering to procedures geared toward permanent licenses. For instance, under the proposed regulations, we understand a tribe would not be required to hold a hearing if it revokes a temporary license upon receiving NIGC objections about it.

Proposed Part 558.3(c)(2) is new and states that if a tribe does not issue a license to the applicant, it "shall" forward copies of its eligibility determination and investigative report to the NIGC for inclusion in the Indian Gaming Individuals Records System. While the System is a useful resource, the NNGE is concerned with the word "shall" in the proposed regulation. The proposal should ensure that submittal of such information into the System is voluntary.

We appreciate the opportunity to comment on the Proposed Rules. We look forward to continuing to work with the NIGC as its regulatory review moves forward.

Sincerely,



Raymond C. Etcitty
General Counsel/Acting COO