

TRANSACTION REPORT

NOV/15/2017/WED 04:10 PM

FAX (TX)

#	DATE	START T.	RECEIVER	COM. TIME	PAGE	TYPE/NOTE	FILE
001	NOV/15	04:08PM	912026327066	0:02:02	3	MEMORY OK	ECM 9890



Quapaw Tribal Gaming Agency

P.O. Box 405
 Quapaw, OK 74363
 Phone: (918) 919-6020
 Fax: (918) 919-6029

FAX FORM

DATE: 11/15/17

TO: NIGC - COMMENTS FAX #: 202/632-7066

ATTN: COMMENTS to NIGC RE: Proposed Rule of 25 C.F.R 517
(202) 632-7066 Proposed revisions to its FOIA regs

FROM: Barbara Kyser Collier, Executive Director
 (918) 919-6030
 FAX #: (918) 919-6029
 Quapaw Tribal Gaming Agency
 P.O. Box 405
 Quapaw, OK 74363

NUMBER OF PAGES (including cover) 4

REMARKS: We received an email the NIGC is having some technical issues with your email, so we are faxing. Further, we are sending the original hardcopy in the mail, just to ensure your office receives a copy of our fax in this matter.

IMPORTANT NOTICE: This communication, including any attachments with it, is for the designated recipient only and may contain information that may be confidential or privileged, and is intended only 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



Quapaw Tribal Gaming Agency

P.O. Box 405

Quapaw, OK 74363

Phone: (918) 919-6020

Fax: (918) 919-6029

FAX FORM

DATE: 11/15/17

TO: NIGC – COMMENTS FAX #: 202/632-7066

ATTN: COMMENTS to NIGC RE: Proposed Rule of 25 C.F.R 517
(202) 632-7066 Proposed revisions to its FOIA regs

FROM: **Barbara Kyser Collier, Executive Director**

(918) 919-6030

FAX #: (918) 919-6029

Quapaw Tribal Gaming Agency

P.O. Box 405

Quapaw, OK 74363

NUMBER OF PAGES (including cover) 4

REMARKS: We received an email the NIGC is having some technical issues with your email, so we are faxing. Further, we are sending the original hardcopy in the mail, just to ensure your office receives a copy of our fax in this matter.

IMPORTANT NOTICE: This communication, including any attachments with it, is for the designated recipient only and may contain information that may be confidential or privileged, and is intended only 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 FAX, including any attachment is intended to be a legally binding signature. Thank you.



QUAPAW TRIBAL GAMING AGENCY

P. O. Box 405 • Quapaw, OK 74363

Phone: 918-919-6020

Fax: 918-919-6029

November 15, 2017

Mr. Jonodev Chaudhuri, Chairman
National Indian Gaming Commission
1849 C Street NW
Mailstop #1621
Washington, DC 20240

**Re: Comments on October 17, 2017 Notice of Proposed Rulemaking Amending
FOIA
Procedures in 25 C.F.R. Part 517**

Dear Chairman Chaudhuri:

On behalf of the Quapaw Tribal Gaming Agency, we hereby submit the following comments on the National Indian Gaming Commission's ("NIGC") Notice of Proposed Rulemaking ("Proposed Rule") issued on October 17, 2017¹ containing proposed amendments to 25 C.F.R. Part 517 ("Part 517"), Freedom of Information Act ("FOIA") procedures for the NIGC. The United States Congress has amended FOIA twice since the last comprehensive revisions to Part 517 on April 19, 2006.² We are pleased that the NIGC is now willing to take up the important task of updating Part 517 to reflect the latest amendments to FOIA, and we applaud the NIGC's efforts to bring greater clarity and transparency to the FOIA process.

While we generally support the NIGC's efforts to streamline FOIA processing, we are very concerned with the proposal to remove the term "record" from the definitions section of the regulation. It is unclear to us whether this action was due to an oversight or an intentional omission since the Proposed Rule does not provide any explanation for this proposed change.

Nonetheless, we find the proposed removal of such a critical definition to be deeply troubling. The term is not only used repeatedly throughout Part 517, but is the very term that describes what is being sought in a FOIA request. The term, is, therefore, essential to understanding and interpreting the NIGC's FOIA process. We note that under FOIA, agencies are given the discretion to develop their own definitions of "record," and that most agencies, including the U.S. Department of the Interior,³ have adopted specific definitions of "record" in their FOIA procedures.

¹ Freedom of Information Act Procedures, 82 Fed. Reg. 48205 (Oct. 17, 2017).

² Freedom of Information Act Procedures, 71 Fed. Reg. 20006 (Apr. 19, 2006).

³ 43 C.F.R. § 2.70 (2016).

We believe the NIGC's current definition of "record" in 25 C.F.R. § 517.3(h) appropriately describes the scope of materials accessible via a FOIA request to the NIGC. We, therefore, urge the NIGC to retain the existing definition of "record" in order to ensure that the final rule properly defines the scope of information that will be subject to the FOIA processes contained therein.

In closing, we would like to thank you for this opportunity to share our views and comments on the proposed changes reflected in the Proposed Rule for Part 517. We respectfully seek your favorable consideration of our comments and ask that you carefully consider our views and concerns as you move through the rulemaking process.

Please do not hesitate to contact us if we can provide any additional information.

Sincerely,



Barbara Kyser-Collier

Director, Quapaw Tribal Gaming Agency