



13 November 2017

Via Electronic Mail: Vannice Doulou@nigc.gov

Jonodev Chaudhuri, Chairman
National Indian Gaming Commission
1849 C Street NW
Mail Stop #1621
Washington, D.C. 20240

Re: Comments on 25 C.F.R. Part 547.5 Proposed Rule

Dear Chairman Chaudhuri:

The National Tribal Gaming Commissioners & Regulators (NTGCR) welcomes the opportunity to comment on the 25 C.F.R. Part 547.5 Proposed Rule (Proposed Rule) published in the Federal Register by the National Indian Gaming Commission (NIGC) on September 28, 2017. As you are aware, the NTGCR is a non-profit organization representing over seventy (70) tribal gaming regulatory agencies (TGRAs) across the country, dedicated to the advancement of tribal gaming regulators. As part of its purpose, the NTGCR promotes the exchange of thoughts, information and ideas which foster regulatory standards and enforcement that lead to consistent regulatory practices and methods of operations among the NTGCR members and may act as a gaming regulatory advisory group to tribal gaming organizations and others. It is under these auspices that the following comments are offered for consideration by the NIGC prior to implementation of a final rule in these matters.

The NTGCR has provided both oral remarks and written comments throughout the NIGC's consultation process on the Proposed Rule and submits the following additional comments for your consideration.

The NTGCR is pleased to see the NIGC has agreed to remove the impending November 10, 2018 sunset provision for 2008 Class II gaming systems under the Proposed Rule. Moreover, the NIGC appreciates other modifications contained in the Proposed Rule which the NIGC made in response to comments clarifying the specific requirements of annual reviews of 2008 systems by the TGRAs, including the maintenance of annual review records which will be made available to the NIGC staff upon request versus annual costly submission requirements. These meaningful changes in the Proposed Rule reflect significant economic savings to all affected TGRAs on an annual and ongoing basis while eliminating redundant administrative costs. The NTGCR truly appreciates the efforts of the NIGC in this rule-making

process which has produced several effective changes to the Class II technical standards while bolstering the primary regulatory authority of the TGRAs.

That said, the NTGCR remains concerned in regard to the language contained in Section 547.5(g) - Records. As previously stated, the language which remains in Section 547.5(g) of the Proposed Rule is unnecessary and only acts to create a situation of conflict and uncertainty. Specifically, the Indian Gaming Regulatory Act (IGRA) requirements enabling the NIGC to have access to Class II gaming information that tribes hold to be confidential is sufficiently adequate to enable NIGC verification of TGRA compliance with the Proposed Rule. Given the effective government-to-government regulatory interaction and relationships between the TGRAs and the NIGC, confidential Class II gaming system information is already adequately available to the NIGC at any time upon request, is not generally made available to the public and secure from inadvertent or other disclosures to the public. Again, it is extremely concerning that language is added to the statute to allow for "records or portions of records" that a tribe may deem sensitive to be publically disclosed, even after the NIGC exercises its best efforts to restrict access to such data under the Freedom of Information Act. To safeguard against the possibility of tribal specific proprietary information being disclosed, the NTGCR urges removing the second and third sentences of this subsection prior to implementing a final rule.

The NTGRC sincerely appreciates the opportunity to provide comments on the Proposed Rule which will affect tribes and the Class II gaming industry for years to come. Should you have any questions, please contact me directly at either 918.207.3848 or via e-mail at: jhummingbird@cherokee.org.

Respectfully,



Jamie Hummingbird
Chairman



Facsimile Cover Sheet

TO: 547.5 Comments --- NIGC
FAX #: (202) 632-7066
FROM: Jamie Hummingbird
Date: November 13, 2017 **# of pages:** 3 including cover

Please see the attached comments on behalf of the National Tribal Gaming Commissioners/Regulators organization.

Please contact me with any questions, comments or concerns at (918) 822-2576.

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