



Mohegan
Tribe
MUNDU WIGO

August 1, 2022

Chairman E. Sequoyah Simermeyer
National Indian Gaming Commission
1849 C Street NW, MS 1621
Washington, DC 20240

Re: Comments on Proposed Amendments to 25 CFR Part 571.

Dear Chairman Simermeyer,

On behalf of the Mohegan Tribe of Indians of Connecticut (Tribe), we submit these comments on the proposed rule to amend 25 CFR Part 571. The Tribe appreciates your leadership, your recent visit to the Mohegan Reservation, and the National Indian Gaming Commission's (NIGC) efforts to maintain the high regulatory standards implemented by tribes and the NIGC while promoting regulatory flexibility to meet the unique needs of every tribe.

The Tribe understands that the proposed revision to section 571.12(b) will clarify that tribes retain the flexibility to submit annual audits pursuant to generally accepted accounting principles (GAAP) as promulgated either by the Financial Accounting Standards Board (FASB) or the Governmental Accounting Standards Board (GASB). Specifically, we understand 571.12(b)(3)(i) specifically allows the filing of audits prepared using FASB. We support the clarification of this flexibility.

As a tribe that offers tribal gaming on our reservation and commercial gaming domestically and internationally, the Tribe has submitted FASB-basis statements to NIGC for decades. Our experience is that lenders, other regulators, and the Securities and Exchange Commission prefer FASB-basis statements, as most commercial gaming operators utilize FASB. Further, the minor differences between FASB and GASB do not impact the level of control provided or in any way hinder the Tribe's sole proprietary interest. Any approach that circumscribes the flexibility of submitting audits prepared using FASB would be extraordinarily disruptive and costly, it would not provide any meaningful regulatory benefit, and it would be contrary to respecting tribal sovereignty. For our Tribe, mandating that our tribal gaming facility switch to GASB would require thousands of hours work and significant financial investments for no appreciable regulatory benefit.

Accordingly, the Tribe supports the Commission's goal of clarifying the regulatory flexibility. We suggest the following minor edits to further clarify the Commission's intent in 571.12(b):

(3) The independent certified public accountant expresses an opinion on the financial statements. If the independent certified public accountant issues An adverse opinion, it still

THE MOHEGAN TRIBE

must be submitted, but does not satisfy this requirement unless:

Finally, we suggest a minor edit to clarify that that the “certified public accountant” in 571.12(b)(2) is not referring to the independent certified public accountant referenced throughout paragraph (b). We would suggest the following edit:

(2) Financials statements ~~prepared by the certified public accountants~~ shall conform to generally accepted accounting principles and the annual audit shall conform to generally accepted auditing standards.

Thank you for your consideration and for the Commission’s work on this rulemaking.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. James Gessner Jr.", written in a cursive style.

R. James Gessner Jr.
Chairman