

SUPPORTING STATEMENT
FOR RECORDKEEPING AND REPORTING REQUIREMENTS
25 CFR PARTS 519, 522, 556, AND 558

A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Indian Gaming Regulatory Act (IGRA or the Act), Public Law 100–497, 25 U.S.C. 2701, *et seq.*, was signed into law on October 17, 1988. The Act established the National Indian Gaming Commission (NIGC or Commission) and set out a comprehensive framework for the regulation of gaming on Indian lands. The Act sets standards for the regulation of Indian gaming, including requirements for the approval or disapproval by the NIGC Chair of tribal gaming ordinances and resolutions. Specifically, 25 U.S.C. 2705(a)(3) requires the Chair to review and approve all class II and class III tribal gaming ordinances and resolutions before tribes can game on their Indian lands. Section 2710 sets forth the specific requirements for the tribal gaming ordinances, including the requirement that there be adequate systems in place: to cause background investigations to be conducted on individuals in key employee and primary management official (PMO) positions (§ 2710(b)(2)(F)(i)); and to provide two prompt notifications to the Commission, including one containing the results of the background investigations before the issuance of any gaming licenses, and the other one of the issuance of such gaming licenses to key employees and PMOs (§ 2710(b)(2)(F)(ii)). In addition, § 2710(d)(2)(D)(ii) requires tribes who have, in their sole discretion, revoked any prior class III ordinance or resolution to submit a notice of such revocation to the NIGC Chair. The Act also authorizes the Commission to “promulgate such regulations and guidelines as it deems appropriate to

implement” IGRA. 25 U.S.C. 2706(b)(10). Parts 519, 522, 556, and 558 of title 25, Code of Federal Regulations, implement these statutory requirements.

25 CFR §§ 519.1, 519.2, and 522.2(g)

As part of any official determination, order, or notice of violation, the NIGC Chair is required to serve such process on tribes, tribal operators, and/or management contractors. For this reason, §§ 519.1 and 522.2(g) require a tribe to designate an agent for service of process by written notification to the Commission. Section 519.2 likewise requires a management contractor or a tribal operator to designate an agent for service of process.

25 CFR §§ 522.2(a), 522.3(a), 522.10, and 522.11

Before a tribe can game on its Indian lands, the Act requires the NIGC Chair to review and approve all class II and class III tribal gaming ordinances and resolutions, and amendments thereof. Accordingly, § 522.2(a) requires a tribe to submit a copy of an ordinance or resolution certified as authentic by an authorized tribal official, and that meets the approval requirements in 25 CFR §§ 522.4(b) or 522.6. In addition, §§ 522.10 and 522.11 require tribes to submit, respectively, an ordinance for the licensing of individually owned gaming operations other than those operating on September 1, 1986, and for the licensing of individually owned gaming operations operating on September 1, 1986. Section 522.3(a) requires a tribe to submit an amendment to an ordinance or resolution within 15 days after adoption of such amendment.

25 CFR §§ 522.2(b)-(h) and 522.3(b)

The Act requires the collection of certain information to make the NIGC Chair’s approval of tribal gaming ordinances and resolutions possible. In addition to a copy of an authentic gaming ordinance or resolution and the designation of an agent for service of process as set forth above, § 522.2(b)-(h) requires tribes to submit to the Commission: (i) a description of procedures

that the tribe will employ in conducting background investigations on key employees and PMOs, and to ensure that key employees and PMOs are notified of their rights under the Privacy Act; (ii) a description of procedures that the tribe will use to issue licenses to key employees and PMOs; (iii) copies of all tribal gaming regulations; (iv) a copy of any applicable tribal-state compact or procedures as prescribed by the Secretary of the Interior; (v) a description of procedures for resolving disputes between the gaming public and the tribe or the management contractor; and (vi) the identification of the law enforcement agent that will take fingerprints and a description of the procedures for conducting criminal history checks, including a check of criminal history records information maintained by the Federal Bureau of Investigation. In addition, § 522.3(b) requires a tribe to submit any amendment to these submissions within 15 days after adoption of such amendment.

25 CFR § 522.12

Section 522.12(a) implements 25 U.S.C. 2710(d)(2)(D). The regulation requires a tribe to submit to the Commission a copy of an authentic ordinance revocation or resolution.

25 CFR §§ 556.2 - 556.4

The Act requires tribes to conduct background investigations on key employees and PMOs involved in class II and class III gaming. To that end, § 556.4 requires tribes to mandate the submission of the following information from applicants: (i) name(s), Social Security number(s), date and place of birth, citizenship, gender, and languages; (ii) present and past business and employment positions, ownership interests, business and residential addresses, and driver's license number(s); (iii) the names and addresses of personal references; (iv) current business and personal telephone numbers; (v) a description of any existing and previous business relationships with Indian tribes, including ownership interests; (vi) a description of any existing

and previous business relationships with the gaming industry generally, including ownership interests; (vii) the name and address of any licensing/regulatory agency with which the person has filed an application for a license or permit related to gaming, even if the license or permit was not granted; (viii) for each ongoing felony prosecution or conviction, the charge, the name and address of the court, and the date and disposition, if any; (ix) for each misdemeanor conviction or ongoing prosecution within the past 10 years, the name and address of the court and the date and disposition; (x) for each criminal charge in the past 10 years that is not otherwise listed, the criminal charge, the name and address of the court, and the date and disposition; (xi) the name and address of any licensing/regulatory agency with which the person has filed an application for an occupational license or permit, even if the license or permit was not granted; (xii) a photograph; and (xiii) fingerprints.

To ensure that applicants are forthcoming with all of their information, §§ 556.2 and 556.3 requires tribes to place a specific Privacy Act notice on their key employee and PMO applications, and to warn applicants regarding the penalty for false statements by also placing a specific false statement notice on their key employee and PMO applications.

25 CFR §§ 556.6(a) and 558.3(e)

When a tribe employs individuals in key employee and/or PMO positions, §§ 556.6(a) and 558.3(e) require tribes to keep/maintain the individuals' complete application files, investigative reports, and eligibility determinations during their employment and for at least three years after termination of their employment.

25 CFR § 556.6(b)(1),(b)(2)

Before issuing a license to a PMO or to a key employee, § 556.6(b)(1) requires tribes to create and maintain an investigative report on each background investigation that includes: (i)

the steps taken in conducting a background investigation; (ii) the results obtained; (iii) the conclusions reached; and (iv) the basis for those conclusions. In addition, § 556.6(b)(2) requires tribes to submit, no later than 60 days after an applicant begins work, a notice of results of the applicant's background investigation that includes: (i) the applicant's name, date of birth, and Social Security number; (ii) the date on which the applicant began or will begin work as a key employee or PMO; (iii) a summary of the information presented in the investigative report, including license(s) that have been previously denied, gaming licenses that have been revoked, every known criminal charge brought against the applicant within the past 10 years, and every felony conviction or ongoing prosecution; and (iv) a copy of the eligibility determination.

25 CFR §§ 558.3(b),(d) and 558.4(e)

The Act requires tribes to maintain an adequate system in place to provide prompt notifications to the Commission regarding the issuance of tribal licenses to key employees and PMOs. To that end, § 558.3(b) requires a tribe to notify the Commission of the issuance of PMO and key employee licenses within 30 days after such issuance. In addition, § 558.3(d) requires a tribe to notify the Commission if the tribe does not issue a license to an applicant, and requires it to forward copies of its eligibility determination and notice of results to the Commission for inclusion in the Indian Gaming Individuals Record System.

Because it is important for the Commission to know at all times which individuals are licensed in PMO and key employee positions, § 558.4(e) requires a tribe, after a revocation hearing, to notify the Commission of its decision to revoke or reinstate a gaming license within 45 days of receiving notification from the Commission that a specific individual in a PMO or key employee position is not eligible for continued employment.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The Commission receives and analyzes the required filings, which are submitted using non-standardized documents, for a variety of purposes.

25 CFR Part 519

This information collection is needed so that the NIGC Chair knows the correct party on whom to properly serve any official determination, order, or notice of violation. If the collection of information were not conducted as described, the NIGC would lack confidence that official determinations, orders, or notices of violation have been legally and effectively served on the parties authorized to make decisions and take action for the tribes, management contractors, and tribal operators.

25 CFR §§ 522.2, 522.3, and 522.10 - 522.12

The submission of ordinances, resolutions, or amendments thereof, that meet the approval requirements in 25 CFR §§ 522.4(b) or 522.6 allows the NIGC Chair to decide whether said ordinances meet IGRA's statutory requirements, and helps the Chair ascertain whether an adequate tribal regulatory system exists within the tribal gaming operation. The Chair also reviews the information collected to ensure that the ordinance or resolution was enacted in accordance with all applicable tribal laws. In addition, the information collected in connection with an ordinance or resolution submission is used by the Chair in determining whether to approve or disapprove tribal ordinances and resolutions, as required by IGRA.

This information is also used by the Chair to determine whether a particular tribe has revoked class III gaming for their gaming operation(s), and thus to stay apprised of which Indian gaming operations offer or do not offer class III gaming.

25 CFR Parts 556 and 558

The information collected pursuant to these parts is used by the Commission, in accordance with its statutory duties, to ensure that the background investigations conducted on individuals employed in PMO and key employee positions are stringent and thorough, and that the tribes have sufficient background information to make determinations regarding whether an individual is eligible to be licensed as a PMO or key employee. The Commission also uses this information to review tribal decisions to license PMOs and key employees to ensure that no criminal element enters the tribal gaming system.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

While tribes must submit copies of ordinances, resolutions, or amendments thereof in paper form, the Commission's regulations allow them to maintain and/or submit other types of information to the Commission by compatible automated, electronic, and/or mechanical means, including e-mail.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The Act requires a certain minimum degree of regulation and adequate systems in place in each tribe's gaming ordinance, but these tribes have their own sovereign authority to adopt more stringent requirements on any subject, making each tribe's ordinance unique. Likewise, background investigations and licensing information and determinations are unique to each applicant. Thus, no similar information pertaining to gaming on Indian lands is collected by the Commission or by any other federal agencies.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

None of the respondents meet the Small Business Administration's definition of a small business. Nonetheless, the Commission's regulations require operations to submit the minimum amount of information that the Commission requires to fulfill its statutory responsibilities. The burden is directly proportional to the economic activity conducted.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

One of the purposes of IGRA is to establish federal standards for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments. The Act specifically sets forth the minimum standards that must be contained in tribal ordinances or resolutions, and specifically requires the NIGC Chair to approve class II and III gaming ordinances. In addition, IGRA requires tribes to notify the Commission when they revoke class III gaming ordinances. Thus, the failure of the Commission to collect this information is not an option. The frequency of the submissions is largely dependent on the tribes, i.e., they only need to make the submissions when they adopt new ordinances or resolutions, or amend existing ordinances.

Another purpose of IGRA is to provide a statutory basis for the regulation of Indian gaming to adequately shield it from organized crime and other corrupting influences, to ensure that the Indian tribe is the primary beneficiary of the gaming operation revenue, and to assure that gaming is conducted fairly and honestly by both the operator and players. To that end, the Act also requires that tribes have adequate systems in place that ensure that background investigations are conducted on individuals in PMO and key employee positions, and that tribal licenses are not issued to such individuals "whose prior activities, criminal record, if any, or

reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming.” The Act also requires tribes to promptly notify the Commission when they issue a license to an individual in a PMO or key employee position. Again, the failure of the Commission to collect this information is not an option, and would render the Commission unable to carry out its statutory obligations under IGRA to help tribes protect the integrity of Indian gaming. The frequency of the need to submit relevant background and licensing information is inextricably linked to the hiring of individuals in PMO or key employee positions.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly:**

Tribes must promptly submit the information in these collections to the Commission whenever it becomes available. As mentioned above, the frequency of the submissions is largely dependent on the tribes, i.e., tribes only need to make the submissions when they adopt new ordinances or resolutions, amend existing ordinances, and revoke class III ordinances. While rare, it is theoretically possible that a tribe may amend an ordinance two or more separate times during a particular quarter, and thus would have to make multiple submissions during one quarter. However, under such circumstances, IGRA requires the tribe to submit the amendments for approval by the NIGC Chair.

The frequency of the background investigation and licensing information submissions is again largely dependent on the tribes, i.e., tribes must submit relevant background investigation and licensing information whenever they make new hires in PMO and key employee positions,

or when they revoke such types of licenses. Because gaming operations are businesses, the hiring of individuals in PMO and key employee positions are done on an as needed basis, and can often occur multiple times during a given quarter, thus requiring tribes to submit such information to the Commission more often than quarterly. This ensures that the Commission is up-to-date on all background investigations and eligibility determinations taking place in Indian gaming. Such continuous reporting is necessary to avoid criminal influence in, and to ensure the integrity of, Indian gaming.

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it:**

N/A.

- **requiring respondents to submit more than an original and two copies of any document:**

N/A.

- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years:**

N/A

- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study:**

N/A.

- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB:**

N/A.

- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use, or:**

N/A.

- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

N/A.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On July 1, 2019, a 60-day notice containing the information collection renewals was published in the Federal Register allowing the public an opportunity to comment on the requirements. See 84 FR 31338 (July 1, 2019). The public comment period closed on August 30, 2019. No public comments were received.

In addition, the Commission reached out to 5 Tribal gaming operations to consult on the submission requirements contained in the regulations. The selected gaming operations are located in Oregon, California, Wisconsin, Nebraska, and Michigan. Specifically, the Commission asked tribal gaming executive directors and/or tribal attorneys to provide annual hourly estimates of the Tribal labor that was required to fulfill the requirements, as well as any added cost estimates. More information from these consultations is provided below.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

Not applicable. The NIGC does not provide any payment or gift to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The Act requires the Commission to keep confidential any and all trade secrets, and privileged or confidential, commercial or financial information received pursuant to IGRA, or information related to ongoing law enforcement investigations. Section 2716 of title 25, United States Code, removes from the Commission any discretion it otherwise would have to disclose information that falls within FOIA exemptions 4 and 7, and requires the Commission to disclose such information only to other law enforcement agencies for law enforcement purposes.

In addition, the Commission must ensure the integrity of Indian gaming and that it is kept free from criminal influence. To that end, the Commission must require the maintenance and reporting of certain personal information in the form of background investigations. Pursuant to the Privacy Act, the Commission has established a system of records for maintaining and protecting such confidential information. In addition, the Privacy Act prevents the Commission from revealing any personal information received in connection with a background investigation or license eligibility determination.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

Not applicable. No sensitive questions are asked.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary**

widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item

As stated in Item 8 above, the Commission consulted with 6 tribal gaming operations. In order to obtain tribal feedback, tribes were assured that information they provided would be held confidentially. Appropriate tribal gaming commission and/or operation personnel were asked how much time it took to maintain compliance with each information collection regulation requirement. The Commission was able to obtain corresponding wage costs for each operation by multiplying the given hourly time (provided by each consulted Tribe) by the wage rate published in the Bureau of Labor Statistics (when available, using statistics that matched the region of the specific Tribe) that most closely matched the gaming-related job (specific to each collection). With these resultant time and corresponding wage numbers in hand, the Commission was then able to estimate industry-wide time/cost averages and these averages, in turn, were multiplied by the total number of responses to produce updated estimated total hours and costs. The table below reflects these calculations.

ESTIMATED ANNUAL BURDEN HOUR TOTALS

CFR CITE/ COLLECTION	NUMBER OF ANNUAL RESPONDENTS	FREQUENCY OF RESPONSES PER YEAR	TOTAL ANNUAL RESPONSES	AVERAGE HOURS PER RESPONSE	AVERAGE (WAGE) COST PER RESPONSE	TOTAL ANNUAL HOURS	TOTAL (WAGE) COST
519.1, 522.2(g); 519.2	33	Varies	33	.25	\$5.25	8.25	\$173.25
522.2(a);	33	Varies	43	11	\$603.72	473	\$25,959.96

522.3(a); 522.10; 522.11							
522.2(b)-(h), 522.3(b)	33	1	33	22.4	\$187.15	739.2	\$6,175.95
522.12	1	1	1	2.5	\$80	2.5	\$80
556.2, 556.3	241	1	241	.7	\$19.94	168.70	\$4,805.54
556.4	241	Varies	74,751	3	\$99.81	224,253	\$7,460,897.31
556.6(a); 558.3(e)	241	1	241	627	\$18,985.65	151,107	\$4,575,541.65
556.6(b)(1)	241	Varies	48,260	5.3	\$176.33	255,778	\$8,509,685.80
556.6(b)(2)	241	Varies	48,260	5	\$166.35	241,300	\$8,028,051.00
558.3(b),(d)	241	Varies	48,260	2	\$66.54	96,520	\$3,211,220.40
558.4(e)	80	Varies	338	6	\$199.62	2,028	\$67,471.56
TOTAL			220,461			972,377.65	\$31,890,062.42

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

Any non-wage costs that were identified by the consulting tribes were averaged and then multiplied by the annual frequency of responses to arrive at the total cost. There were only two instances in which the consulted tribes identified non-wage costs as being associated with compliance with the regulations: 1) Some tribes hired non-tribal attorneys to assist in getting an amended ordinance approved, and 2) all tribes paid for FBI fingerprint checks for each gaming applicant (the cost for this service being \$17 for each applicant).

ESTIMATED ANNUAL COST TOTALS

CFR CITE / COLLECTION	NUMBER OF ANNUAL RESPONDENTS	ANNUAL FREQUENCY OF RESPONSES	TOTAL ANNUAL RESPONSES	AVERAGE ANNUAL COSTS (if any)	TOTAL COSTS
519.1, 522.2(g); 519.2	33	Varies	33	\$0	\$0
522.2(a); 522.3(a); 522.10; 522.11	33	Varies	43	\$400	\$17,200
522.2(b)-(h), 522.3(b)	33	1	33	\$0	\$0
522.12	1	1	1	\$0	\$0
556.2, 556.3	241	1	241	\$0	\$0
556.4	227	Varies	74,751	\$17	\$1,270,767
556.6(a); 558.3(e)	241	1	241	\$0	\$0
556.6(b)(1)	241	Varies	48,260	\$0	\$0
556.6(b)(2)	241	Varies	48,260	\$0	\$0
558.3(b),(d)	241	Varies	48,260	\$0	\$0
558.4(e)	80	Varies	338	\$0	\$0
TOTAL			220,461		\$1,287,967

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff),

and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

The Commission determined its cost and burden hour estimates, inclusive of operational expenses, based on the workflows of the agency, and the functions specific to the receipt, recording, and analysis of the submissions. The wage rates are based on hourly compensation at the levels of a GS-14/4, GS-9/4 and GS-13/8.

Collections for 556.6(a), 558.3(e), and 556.6(b)(1) have no cost to the Federal government. Collections for 556.4 have costs to the Federal government only from a limited number of respondents, as most respondents do not need assistance from the agency when submitting background investigations.

ESTIMATED ANNUAL AGENCY BURDEN

CFR CITE/ COLLECTION	ANNUAL RESPONDENTS	FREQUENCY OF RESPONSE PER YEAR	TOTAL ANNUAL RESPONSES	REVIEW HOURS PER RESPONSE	TOTAL HOURS	HOURLY RATE	TOTAL AGENCY COST
519.1, 522.2(g); 519.2	33	Varies	33	.25	8.25	\$47.76	\$394.02
522.2(a); 522.3(a); 522.10; 522.11	33	Varies	43	20	860	\$47.76	\$41,073.60
522.2(b)- (h), 522.3(b)	33	1	33	2	66	\$47.76	\$3,152.16
522.12	1	1	1	0.25	0.25	\$47.76	\$11.94
556.2, 556.3	241	1	241	.25	60.25	\$47.76	\$32,889.59
556.4	28	Varies	4,248	0.02	84.96	\$23.44	\$1,991.46
556.6(b)(2)	241	Varies	48,260	0.25	12,065	\$45.32	\$546,785.80
558.3(b), (d)	241	Varies	48,260	0.25	12,065	\$45.32	\$546,785.80
558.4(e)	80	Varies	338	0.25	84.5	\$45.32	\$3,829.54

TOTAL			101,939		25,294.21		\$1,176,914
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15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

It should be noted at the outset that tribal gaming operations and their business practices are unique to each gaming Tribe and influenced by many local, state, and regional factors. Tribal gaming facilities vary in size and complexity and range from small truck stops to world-class casino resorts. The amount of time and resources that gaming tribes expend fulfilling regulatory requirements can vary dramatically and is further complicated by their varying levels of investment in, and adoption of, new technologies and technical expertise. For these reasons, estimates provided by a statistically insignificant group of rotating tribal contacts has limited value and it would be improper to claim to be able to extrapolate from this feedback any definitive trends.

It should also be noted that, in previous years, the NIGC did not include wage costs in its data but it does so now and will continue doing this in all future renewals.

As mentioned in item number 8, the Commission consulted with five tribal gaming tribal gaming executive directors and/or tribal attorneys. Consultation with stakeholders is an important source of information on the burdens of information collections. NIGC notes that, due to the heterogeneity of respondents, it is difficult to develop a representative estimate of respondent burden hours. Nevertheless, based on this tribal feedback, the Commission has made the following adjustments to its estimated burdens:

- The estimated total annual burden hours have been revised downward by approximately 17%. This decrease is primarily due to the decrease (across the board) of the average hours per response for complying with the regulation requirements. It is likely that these

decreases (in the average hours per response) are due to the maturation of the Indian gaming industry. For example, comparatively few tribes are just now breaking into the gaming industry and seeking approval of a new gaming ordinance. Instead, most tribes are simply submitting amendments to a previously approved ordinance and the process of approving an amending ordinance will generally be far less time intensive and costly than approving one that has been newly created.

- the estimated annual total cost estimate has been adjusted downward by almost 60%. This appears to be primarily due to the fact that the previous estimates included large sub-estimate costs associated with the applicant background investigation process. It is suspected that these sub-estimates may have been wage labor costs that are now being captured in that proper (“wage cost”) designated category. Indeed, all the tribes consulted confirmed that they conducted applicant background checks using internal resources and did not sub-contract the investigative labor. In fact, the only category of costs that our consultants flagged (besides outsourcing legal assistance for ordinance submissions) was the cost of submitting applicant fingerprints for criminal history checks.

NIGC recognizes there are limitations with these modes of estimation and will continue to consider stakeholder consultation in the development of its estimated burden hours.

CHANGES FROM THE PREVIOUS COLLECTION

	Requested in this Collection	Previously Approved Collection	Net Change
Annual Number of Responses	220,461	202,509	17,952
Annual Time Burden (Hr)	972,378	1,121,341	-148,963
Annual Cost Burden (\$)	1,287,967	3,070,189	-1,782,222

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

These are ongoing information collections with no ending date and no plans for publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

Not applicable. The NIGC certifies compliance with 5 CFR § 1320.9.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This section is not applicable. Statistical methods are not employed.