

CGCC-8: Myth v. Fact

Prepared by Tribal Gaming Regulators and Representatives

MYTH	FACT
CGCC-8 is an amendment to the Compacts.	CGCC-8 is not an amendment. Section (a)(5) of CGCC-8 states: “Nothing in this regulation shall modify or amend the Compacts. To the extent there is any conflict between the provisions of this regulation and the Compacts, the provisions of the Compacts shall control.”
CGCC-8 requires a Tribal Action Plan, which constitutes an amendment to the Compacts.	CGCC-8 does not require a Tribal Action Plan. Section (i)(2) of CGCC-8 recognizes that the Tribe may not provide a written Tribal Action Plan. Under Sections (h)(1) to (h)(6) of CGCC-8, Tribes can choose how to respond, if at all, to any CGCC findings. A Tribe can disagree with CGCC findings and take the position no action is necessary. These procedures give Tribes the basic due process rights to comment upon CGCC findings and to require that such comments be included as part of any final written reports issued by the CGCC.
CGCC-8 requires Tribes to appear before the CGCC to resolve disputes, which constitutes an amendment to the Compacts.	CGCC-8 does not require Tribes to appear before the CGCC. Sections (l)(2) and (l)(3) of CGCC-8 provide that "at the option of the Tribe, the matter may be referred to" the CGCC. Section (l)(3) of CGCC-8 also submits to the Compact dispute resolution process, stating: "If ... a dispute remains, it may be referred for resolution pursuant to the dispute resolution process outlined in Compact section 9.0."
CGCC-8 imposes additional duties upon Tribes by requiring Tribes to adopt regulations and minimum standards governing Gaming Operations.	CGCC-8 does not impose additional duties upon Tribes. Sections 7.1 and 8.1 to 8.1.14 of the Compacts already require Tribes to adopt and enforce regulations and minimum standards that meet “the highest standards of regulation and internal controls” (the “Compact Standards”).
CGCC-8 terminates Tribal Gaming Agencies’ roles as “primary regulators” of gaming under the Compacts.	Sections (a)(1), (b)(1), (g)(1) of CGCC-8 confirm that Tribal Gaming Agencies retain their roles as “primary regulators” of gaming under the Compacts.

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<p>The Compacts do not authorize the State to verify that Tribes have adopted and enforce the Compact Standards.</p>	<p>Sections 7.4 through 7.4.4 provide the State with certain inspection rights, including the right to inspect Gaming Facilities and Gaming Operation papers to verify that Tribes are complying with the Compacts, including the adoption and enforcement of the Compact Standards.</p>
<p>CGCC-8 requires Tribes to adopt minimum internal controls written by the State.</p>	<p>Under Section (b)(1) of CGCC-8, each Tribe retains the right and duty to create its own regulations, including minimum internal controls, governing gaming operations. Sections (b)(2) and (b)(3) of CGCC-8 simply require something that Tribes are already doing: adopting and enforcing minimum internal controls that either meet/exceed the NIGC minimum internal control standards or otherwise comply with the requirements of the Compacts.</p>
<p>Both the CGCC and the State Bureau of Gambling Control are authorized to conduct CGCC-8 compliance inspections at the same time.</p>	<p>Section (a)(3) of CGCC-8 authorizes only one State agency, either the CGCC or the State Bureau of Gambling Control, to conduct compliance inspections under CGCC-8.</p>
<p>CGCC-8 requires Tribes to adopt gaming ordinances to authorize the NIGC to verify compliance with the minimum internal control standards.</p>	<p>Section (m) of CGCC-8 is not mandatory; it is optional. As an alternative, Tribes may voluntarily change their gaming ordinances in order to authorize the NIGC to verify compliance with minimum internal control standards, but are not required to do so.</p>
<p>The Tribes had no input or involvement in the drafting of CGCC-8.</p>	<p>CGCC-8 is the product of over two years of the Tribes fighting for their rights to negotiate the terms of CGCC-8. A striking example of negotiated rulemaking between the Tribes and the State, CGCC-8 was written by a Taskforce consisting of all Tribal and State representatives that decided to participate.</p>
<p>If the Association approves CGCC-8 and CGCC-8 becomes a final regulation, CGCC-8 cannot be modified to accommodate future needs.</p>	<p>CGCC-8 can be modified in the future to meet the needs of any Tribe. Under Section (k)(2), upon the request of any Tribal delegate, the Association is required to meet to discuss proposed modifications to CGCC-8.</p>