



I presume you have probably all been inundated with inquiries related to the global COVID-19 pandemic—especially in light of the recently announced tribal casino closures in southern California, Michigan, Oklahoma, and other states.

Here a few items for your consideration when generally addressing the regulatory considerations and available options with respect to maintaining casino operations today, tomorrow and in the coming weeks and months. Please note that the information presented below are solely my views on the current situation and do not necessarily represent those of the Cherokee Nation, the Cherokee Nation Gaming Commission, or the NTGCR Board or its membership.

State of Emergency Declarations

The President, State Governors, many tribal leaders, & county and local officials have declared a “State of Emergency” in their various respective jurisdictions. The key to understanding the timing of these emergency declarations is that they are primarily issued to release certain emergency funds that are not otherwise available for use unless there is a “State of Emergency”. Therefore, it needs to be emphasized that the “State of Emergency” declaration by the President and a State Governor are not indicative of any level or pervasive outbreak of the COVID-19 virus, despite increasing numbers of cases throughout the country. Nonetheless, we all need to remain prepared for a prolonged effort to avoid mass spreading of the disease and avoid a spike in cases that could easily strain our medical resources across the state and country.

The Tough Question – Do We Remain Open or Temporarily Close the Casino?

The decision to remain open or to temporarily close the casino is a difficult exercise and one that may have devastating economic impacts for quite some time for the Tribe, tribal membership, the employees, vendors, and the local community. I implore the Tribal Regulators to do their best to assist the Tribal Leaders and Management to proceed in the Tribe’s best interest as the Tribe weighs any possible closure due to the COVID-19 event. In any event, we are all part of a greater nationwide community and as regulators in Indian Country, we need to ensure our regulatory

responsibilities are upheld to the highest degree while supporting our tribal, local, regional, statewide and national goals of preventing the disease the best we can while “lowering the curve” of the number of people contracting the COVID-19 virus as it runs its course. Here are a few points to consider:

The NIGC

Many folks have inquired as to whether the NIGC can close a tribal casino due to the COVID-19 pandemic event. The short answer is ‘yes.’ That said, and although the NIGC has indeed previously utilized its enforcement authority to temporarily close numerous gaming facilities based on public health and safety related matters—the NIGC has not yet issued a specific closure order related to the current COVID-19 outbreak, and I presume most tribes would close their respective facilities voluntarily prior to NIGC compulsion if there is an actual threat to public health and safety at a particular facility. This past week, the NIGC did, however, issue general “Coronavirus (COVID-19) Guidance for Tribal Gaming Facilities” on March 12, 2020 and is asking tribes to self-report any known cases of COVID-19 to the NIGC. The NIGC has since updated the original notice to include a checklist they are asking tribes to use to help the agency monitor activity related to tribal casino closures due to COVID-19 concerns. A copy of the NIGC guidance documents are attached for your review and information.

The State

Many folks have also inquired as to whether the Governor or a State Gaming Agency can shut down a tribal casino due to COVID-19. The answer lies within the Tribal-State Compact the tribe may have entered into with the state, if any. For some states, the answer is ‘no’ in that the Tribal-State Compact does not allow States to exercise jurisdiction beyond gaming-specific and related matters, placing the responsibility for overseeing tribal gaming operations, including environmental, health and public safety issues, to tribal departments and staff.

For other states, the theoretical answer is ‘yes.’ However, the State would need to obtain a judicial closure order under the terms of your Tribal-State Compact before effectuating an actual closure of your casino. For example, in California, the likelihood of a State of California closure order being issued to a Tribe is very unlikely as there would need to be a credible threat to public health and safety that the Tribe is not effectively addressing before a judge would issue such a drastic order. Again, I presume the Tribe, the Regulatory team and Casino Management will work cooperatively and pragmatically to properly

address any and all threats to the public health and safety of patrons and employees related to the COVID-19 outbreak – well ahead of the State seeking to actually enjoin a casino’s operations by virtue of the terms of a Tribal-State Compact. However, what is actually occurring, whether intentional or not, is constructive closure by various states through the public safety mandates requiring business closures, mandates that communities self-quarantine, and the issuance of regional curfews such as what we are see occurring in the San Francisco areas – ultimately reducing the number of patrons visiting casinos and thereby forcing tribes to close for both economic and safety reasons.

Tribal Gaming Commission Closure Order

The Tribal gaming agency by virtue of the Tribal Gaming Ordinance and the terms of a Tribal-State Compact is charged with ensuring the gaming facility is safe and that the health and welfare of the general public and employees is maintained at all times. So long as there is no actual local outbreak and there are proper steps being taken by Management to ensure the public health and safety of patrons and employees is maintained, there is likely no reason for the Gaming Commission to issue a closure order. On the other hand, if proper continuous disinfection and sanitization procedures are not taking place, or if there is a shortage of sanitation supplies to maintain a clean environment, including but not limited to warm water, soap, paper towels, toilette tissue, hand sanitizer etc., the Gaming Commission may have to take appropriate enforcement action and issue a temporary closure order. Again, I presume Tribal Leadership, the Regulatory team and Management will work cooperatively to address the COVID-19 situation at the ground level on a daily if not hourly basis to determine if continued operation is in the best interest of the Tribe and the public before the Gaming Commission acts unilaterally to issue a closure order. Alternatively, I would fully expect Management to voluntarily shutter for a temporary period based on actual public safety issues and threats that cannot be mitigated sufficiently—without the need for the Gaming Commission to issue a formal temporary closure order.

Other Facilities Are Closing, Should We Close?

Temporary closures of tribal gaming facilities have been announced in tribal jurisdictions across the country today and more may close tomorrow. It is important to understand that it appears none of the closures were driven by any actual COVID-19 events at the related facilities and that each of the respective tribes made their own independent decision to temporarily close through the end of March. Thus, as stated above, it is imperative for Tribal Leadership, the Regulatory team and Management to be aware of and communicate often about the COVID-19 situation and

develop the plan that serves the best interest of the Tribe and ensures the highest level of public safety for patrons and employees.

Options

There are a full spectrum of options before the Tribe with respect to maintaining operations of the casino or closing temporarily due to the COVID-19 threat. Provided here are a few for consideration and discussion:

- i. Maintain Full Normal Operations
- ii. Maintain Full Operations (with limited patron levels)
- iii. Maintain Partial Operation (with a reduced staff and limited patron levels)
- iv. Maintain Full Operations (with short daily closures for deep cleaning)
- v. Maintain full Operations (with weekly day long closure on the slowest day for deep cleaning)
- vi. Temporary Closure

All the options above might be considered by Tribal Leadership with input and guidance from the Regulatory team and Management and as the COVID-19 situation develops, there may be a change from one level of operation to another. The key here is to determine what is best for the Tribe and your employees while balancing the economic and safety concerns to ensure your employees and the public are always safe. Unless there is a known local threat, the casino may be able to maintain normal sustained operations for some time, but as the landscape and known facts changes, the shift in operation towards closure needs to be methodically and deliberately effectuated or there will be extensive costs to a haphazard shut down. Although safety is obviously the driving force here, closure brings with it an enormous amount of economic impact that needs to be understood and appreciated by everyone involved. Closure means no revenue and employees who may or may not be paid during the closure. Additionally, the impact on the local economy will undoubtedly be negatively impacted as less money will be passed through the various peripheral transaction that occur in relation to normal operations.

We Shut Down, Now What?

Shutting down the casino is no short order and there needs to be a detailed and organized shutdown consistent with the MICS and the tribe's and/or gaming facility Emergency Action Plan to ensure public safety, ensure tribal assets are fully protected, and to ensure the integrity of all gaming and gaming related activities is maintained. As the facility is shuttered, there will be a number of ongoing considerations that need to be addressed such as removal of all perishables,

maintenance of utility systems, ongoing surveillance and physical security as well as cancellation or re-scheduling of various supply and gaming shipments to list a few key items. Furthermore, there should be deliberate coordination with state and federal regulatory agencies to ensure they are aware of the temporary closure including the basis, security measures that will be in place and expected re-opening etc. Much money and time can be lost by not properly planning and executing a temporary closure and the best advice I can offer is to employ the highest degree of forward planning and teamwork to ensure all aspects of the facility are considered before during and after the temporary closure.

Keep Calm and Wash On!

The one thing that I do know about the nasty little COVID-19 virus is that merely washing your hands for 20 seconds with soap and warm water will help protect you from the COVID-19 virus. Specifically, the oil compounds in normal hand soap will break a key structure in the virus rendering it dead simply by washing your hands. Obviously, if you cannot wash your hands regularly throughout the day you should use a hand sanitizer with no less than 60% isopropyl alcohol, as lower alcohol hand sanitizers are not effective in combating the virus.

I encourage you all to continue to monitor the activities in your state and in your tribal communities. You may also remain informed on COVID-19 activities and how you and your tribe may be able to help spread awareness and promote prevention by checking state health departments and federal resources, some of which are listed below:

Center for Disease Control

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

<https://www.cdc.gov/coronavirus/2019-ncov/communication/factsheets.html>

What to do at HOME:

<https://www.cdc.gov/coronavirus/2019-ncov/community/get-your-household-ready-for-COVID-19.html>

What to do at SCHOOL:

<https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html>

For BUSINESSES:

https://www.cdc.gov/coronavirus/2019-ncov/community/index.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fpreparing-individuals-communities.html

Recommendations for optimizing the use of N95 respirators:

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/respirators-strategy/index.html>

Here's a list of disinfectants you can use against coronavirus:

<https://www.cnn.com/2020/03/05/health/epa-disinfectants-coronavirus-trnd/index.html>

The NTGCR will continue to provide support to Tribes and TGA's throughout this unfortunate COVID-19 pandemic event. I hope the items discussed above are helpful in tackling the issues before you. Remain vigilant...and wash your hands!

Respectfully,

Jamie Hummingbird, Chairman
National Tribal Gaming Commissioners & Regulators

15 DAYS TO SLOW THE SPREAD

Listen to and follow the directions of your **STATE AND LOCAL AUTHORITIES**.

IF YOU FEEL SICK, stay home. Do not go to work. Contact your medical provider.

IF YOUR CHILDREN ARE SICK, keep them at home. Do not send them to school. Contact your medical provider.

IF SOMEONE IN YOUR HOUSEHOLD HAS TESTED POSITIVE for the coronavirus, keep the entire household at home. Do not go to work. Do not go to school. Contact your medical provider.

IF YOU ARE AN OLDER PERSON, stay home and away from other people.

IF YOU ARE A PERSON WITH A SERIOUS UNDERLYING HEALTH CONDITION that can put you at increased risk (for example, a condition that impairs your lung or heart function or weakens your immune system), stay home and away from other people.



For more information, please visit
CORONAVIRUS.GOV

DO YOUR PART TO SLOW THE SPREAD OF THE CORONAVIRUS

Even if you are young, or otherwise healthy, you are at risk and your activities can increase the risk for others. It is critical that you do your part to slow the spread of the coronavirus.

Work or engage in schooling **FROM HOME** whenever possible.

IF YOU WORK IN A CRITICAL INFRASTRUCTURE INDUSTRY, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply, you have a special responsibility to maintain your normal work schedule. You and your employers should follow CDC guidance to protect your health at work.

AVOID SOCIAL GATHERINGS in groups of more than 10 people.

Avoid eating or drinking at bars, restaurants, and food courts — **USE DRIVE-THRU, PICKUP, OR DELIVERY OPTIONS.**

AVOID DISCRETIONARY TRAVEL, shopping trips, and social visits.

DO NOT VISIT nursing homes or retirement or long-term care facilities unless to provide critical assistance.

PRACTICE GOOD HYGIENE:

- *Wash your hands, especially after touching any frequently used item or surface.*
- *Avoid touching your face.*
- *Sneeze or cough into a tissue, or the inside of your elbow.*
- *Disinfect frequently used items and surfaces as much as possible.*

CORONAVIRUS.GOV

School operations can accelerate the spread of the coronavirus. Governors of states with evidence of community transmission should close schools in affected and surrounding areas. Governors should close schools in communities that are near areas of community transmission, even if those areas are in neighboring states. In addition, state and local officials should close schools where coronavirus has been identified in the population associated with the school. States and localities that close schools need to address childcare needs of critical responders, as well as the nutritional needs of children.

Older people are particularly at risk from the coronavirus. All states should follow Federal guidance and halt social visits to nursing homes and retirement and long-term care facilities.

In states with evidence of community transmission, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate should be closed.



March 16, 2020

Dear Tribal Leader:

This letter provides additional information about the measures the National Indian Gaming Commission (NIGC) continues to take in response to Coronavirus (COVID-19). These efforts support the NIGC's regulatory responsibility and the national effort to protect our most vulnerable citizens from the spread of COVID-19.

Tribal government leadership is the best first line of defense. The importance of local level decisions that are guiding Indian gaming's response to COVID-19 cannot be overstated. This is especially true for three reasons. First, you as tribal law makers are well positioned to assess the risks associated with your Indian gaming facility's operations when you apply your tribe's environmental public health and safety (EPHS) laws. When a Tribal Gaming Regulatory Authority (TGRA) issues a license to a facility, it must attest to the NIGC that it has identified and enforces laws to protect the environment and public health and safety, and that the operation of the gaming is conducted in a manner that adequately does so. Second, guidance from health authorities at the federal and local level are a vital resource best implemented at the tribal level. The NIGC continues to encourage tribes to use the extensive federal health authority resources available at [CDC.gov](https://www.cdc.gov). This guidance will help tribal policy makers to deliberate next steps in their communities. Third, the NIGC continues to encourage tribal law makers to involve your TGRAs in outreach to local jurisdictions. Intergovernmental coordination is an exercise of tribes' inherent authority to develop government-to-government relationships that will best serve the goals and needs of the people they lead.

The collaborative approach being led by tribal leaders across Indian country is informing local level decisions about reducing or modifying operations at Indian gaming facilities and, in some cases, temporarily closing those facilities. As tribal lawmakers and tribal gaming regulatory bodies decide to temporarily close a licensed facility based on their local on-the-ground assessments, the NIGC Regional Directors will continue to have a presence. I am attaching to this letter a recent directive from the NIGC Director of Compliance instructing NIGC Regional Directors. That directive includes a protocol for the NIGC Regional Director as he or she becomes aware that a facility is temporarily closing.

The protocol will help maintain an appropriate NIGC presence at the local level during closures. The NIGC regulations at 25 C.F.R. Sec. 559 do not require tribes to submit notice for a temporary closure lasting less than 180 days. However, the NIGC is implementing a protocol to help facilitate support for a tribal community that has temporarily closed based on local circumstances. The intention of this protocol is in line with the regulatory history for sec. 559 and ensures the NIGC is supporting and facilitating assistance where necessary.

The protocol will help the NIGC assess what resources may be helpful in a geographic region as tribes work with local authorities in that region to modify or close operations. Part of the NIGC's assistance will include enhanced communication, and an assessment of a tribe's specific preparation when warranted. Thank you in advance for your support for the Regional Directors work in this area.

Finally, thank you for the efforts that each of you is making across Indian country to protect our most vulnerable citizens. These efforts underscore the importance of promoting tribal self-sufficiency in the NIGC's work.

Sincerely,



E. Sequoyah Simermeyer
Chairman

Attachments

Memorandum on NIGC Regional Director Protocols, March 16, 2020



March 16, 2020

MEMORANDUM

To: NIGC Region Directors
From: Dustin Thomas, Director of Compliance
Cc: NIGC Commission
NIGC Office of General Counsel
Re: Regional Office Protocol in the event of Local Level Modifications to Operations Including a Temporary Closure

This memorandum outlines a two-step protocol that each Regional Director will apply when the Tribe has directed a closure, the casino voluntarily closes or the Tribal Gaming Regulatory Authority (TGRA) issues a temporary closure order for local level mitigation measures in response to the Coronavirus (“COVID-19”). Part of this process includes the completion of an NIGC Facility Closure Notification – COVID-19 (“COVID-19 Closure Checklist”) and an NIGC Preparedness Questionnaire – COVID-19 (“COVID-19 Preparedness Questionnaire”).

Take Measures to Establish Enhanced Communication with the TGRA

It is important we ensure the Regional Offices continue to communicate with the TGRA during a closure. If a Tribe, TGRA, or Casino closes a licensed Indian gaming facility, please take the below steps to ensure regular communication.

- Establish a standing check-in and an outline for emergency contact procedures.
- Monitor the need for coordination when media coverage impacts any Crisis and Emergency Risk Communication plan the closure decision is intended to support.
- Offer to organize a standing teleconference with neighboring TGRAs and local non-tribal jurisdictions if appropriate.
- Discuss steps to assess the extension of a closure or a decision to re-open.

Assess Tribe-Specific Preparation Based on the Local Conditions

In general, TGRA's are basing any temporary closure decision on an assessment of local level and property-specific risk. All jurisdictions share a common goal of protecting the most vulnerable members of our society by minimizing that risk. To that end, please take the following steps to ensure a robust assessment of risk is occurring in areas where TGRAs and Indian gaming stakeholders have begun to take the precautionary steps of closing facilities to the public.

- Communicate to TGRA's that the NIGC Region Office has determined it will solicit information regarding preparedness through the attached "COVID-19 Preparedness Questionnaire."
- Provide TGRAs with the attached "COVID-19 Closure Checklist" and request the information be provided as soon as possible.
- Communicate to the Director of Compliance any resistance to providing complete information or if you anticipate the TGRA's information collection will require more than 72 hours.
- Once completed by the TGRA, conduct an assessment of the attached checklist to consider if easing procedures are appropriate to allow for greater compliance with EPHS requirements and if the TGRA has made an effort to support coordination with local area health authorities.

Attachments

NIGC Facility Closure Notification – COVID-19
NIGC Preparedness Questionnaire – COVID-19

Risk Rating: 5 = no emergency plan, preparedness, or proactive measures, 3 = Some form of emergency plan, some proactive

COVID-19 Preparedness Questionnaire

Tribe:	Date:
Casinos:	NIGC Staff:
Tribal Official Contacted:	Contact Info:

Relevant NIGC Regulations	Yes	No	Risk Rating (1, 3, 5)	Date/Explanation/Notes
<p>§559.1 What is the scope and purpose of this part?</p> <p>(a) The purpose of this part is to ensure that each place, facility, or location where class II or III gaming will occur is located on Indian lands eligible for gaming and obtains an attestation certifying that the construction and maintenance of the gaming facility, and the operation of that gaming, is conducted in a manner that adequately protects the environment and the public health and safety, pursuant to the Indian Gaming Regulatory Act.</p> <p>(b) Each gaming place, facility, or location conducting class II or III gaming pursuant to the Indian Gaming Regulatory Act or on which a tribe intends to conduct class II or III gaming pursuant to the Indian Gaming Regulatory Act is subject to the requirements of this part.</p> <p>[77 FR 58772, Sept. 24, 2012, as amended at 80 FR 31994, June 5, 2015]</p>	N/A	N/A		
<p>§559.4 What must a tribe submit to the Chair with the copy of each facility license that has been issued or renewed?</p> <p>A tribe shall submit to the Chair with each facility license an attestation certifying that by issuing the facility license, the tribe has determined that the construction and maintenance of the gaming facility, and the operation of that gaming, is conducted in a manner which adequately protects the environment and the public health and safety. This means that a tribe has identified and enforces laws, resolutions, codes, policies, standards or procedures applicable to each gaming place, facility, or location that protect the environment and the public health and safety, including standards, under a tribal-state compact or Secretarial procedures.</p> <p>[77 FR 58772, Sept. 24, 2012, as amended at 80 FR 31995, June 5, 2015]</p>	N/A	N/A		
<p>§559.6 May the Chair require a tribe to submit applicable and available Indian lands or environmental and public health and safety documentation regarding any gaming place, facility, or location where gaming will occur? A tribe shall provide applicable and available Indian lands or environmental and public health and safety documentation requested by the Chair.</p>	N/A	N/A		
Pre-Screening Questions				
1 Is the gaming operation(s) open?				
2 Is there a current facility license on file with NIGC?				
3 Is there a compliant EPHS attestation?				
4 What does the tribal gaming ordinance require specific to EPHS, over and above what is required in IGRA and NIGC regulations?				
5 What does the tribal-state gaming compact or Secretarial procedures require specific to EPHS, over and above what is required in IGRA and NIGC regulations?				
6 Has a State issued any Executive Orders to close or placed any limitations on commercial gaming operations in the State?				
Questions for TGRA Regarding Emergency Preparedness Plan				
7 Is there a emergency preparedness plan in place and does the plan address communicable diseases?				
8 Is someone designated as the crisis/event manager/coordinator? (who makes decisions in the emergency plan include name in explanation)				
9 Has the TGRA, gaming operation and tribe met on the COVID-19 matter?				
10 How often are you meeting to review information?				

#	Has the TGRA or Tribe designated an external agency as an indicator or benchmark for decision making? CDC, IHS, state or county governments?			
#	Do you have a plan for temporary/emergency shutdown as part of your preparedness plan?			
#	Is the TGRA reviewing the plan and discussing what indicators will be used to engage the plan?			
#	Does the TGRA foresee any issue enforcing any orders they issue with regards to EPHS or temporary suspension of gaming activities?			
#	Does the TGRA foresee needing the assistance of the NIGC resources to analyze information, access resources or convey urgency or risk to the gaming operation or tribal decision makers?			
#	Has the TGRA identified critical positions and staffing levels to ensure adequate regulatory oversight?			
	Surrounding Jurisdiction Limitations or Restrictions			
#	Has the neighboring or surrounding local, county or state government issued any order or request to limit large number gatherings?			
#	If yes, what is the limit?			
#	Is the tribe adopting or setting a similar limit?			
#	Are any commercial gaming operations under restrictions or closure orders? Will the Tribe adopt similar restrictions over any Class II only gaming facilities?			
	Containment Efforts			
#	What steps is the gaming operation taking to control the spread of COVID-19?			
#	What steps are used in cleaning and decontamination?			
	Inspection and Determination (specific to COVID-19)			
#	Who conducted the inspection? (Name, Title, Agency, Contact Information)			
#	What were the results of the inspection? If any findings were identified, did the TGRA follow up?			
#	Has the TGRA conducted an assessment of all pertinent information related to COVID-19 and the impact on the tribes gaming operation with regards to public health and safety?			
#	Does the TGRA have any indication the gaming operation is being maintained in a manner that does not protect the health and safety of its staff, customers and the public in compliance the tribes gaming ordinance and other adopted codes and regulations?			
	Resources Requested or Referred			



March 12, 2020

Dear Tribal Leader

This letter is to provide you with an update on the measures the National Indian Gaming Commission (NIGC) is taking with regard to the Coronavirus (COVID-19). I also want to reiterate the strength of the regulatory framework in place to protect the Indian gaming industry from new and emerging threats.

To the extent there is a threat to public health and safety at an Indian gaming facility, the oversight envisioned by the Indian Gaming Regulatory Act safeguards an operation's staff, patrons and facilities. As the Indian gaming industry's federal regulatory body, the NIGC shares a common interest with tribal regulators in preserving the Indian gaming industry's integrity. That common interests will continue to guide the NIGC's collaboration with tribes as we monitor public health and safety threats.

There are numerous requirements to an Indian gaming facility's operation. One requirement is the tribal government's attestation that tribal gaming ordinances and related laws that apply to a gaming facility's environment, public health, and safety standards are effective and in place. Regular site visits by the NIGC ensure that these measures are in effect and followed by the licensed operators. This NIGC presence and additional oversight measures give the NIGC confidence that tribal gaming regulatory authorities (TGRAs) are an on-the-ground presence at every Indian gaming operation and that TGRAs have the capacity and tools to help ensure compliance.

The NIGC team is made up of talented subject matter experts with a diversity of expertise and a strong commitment to protect the integrity of the Indian gaming industry. The NIGC team will continue to communicate the importance of the NIGC team supporting TGRAs' role in helping to inform lawmakers about planning for and responding to circumstances that would threaten a well managed and safe Indian gaming operation. This outreach effort is part of an agency-wide focus in our daily work around preparedness.

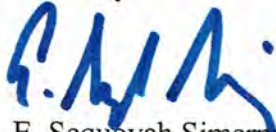
Earlier this week I presented on the topic of preparedness to the National Tribal Gaming Commissioners/Regulators in San Diego, CA. In my presentation I emphasized the important role TGRAs can and should play as tribal leadership mitigates risk associated with COVID-19. TGRAs are well positioned to encourage and facilitate coordination with local jurisdictions. TGRAs are able to assess regulatory requirements' capacity to protect the well-being of an Indian gaming operation's staff, patrons and facilities. And, TGRAs' risk assessment knowledge should be an important consideration as a tribal community develops an appropriate communication plan for their local area.

In order to assist TGRAs in their efforts the NIGC remains a collaborative resource. Through our outreach by the NIGC regional offices, the NIGC will give special attention to challenges that may arise in a given operation and the impact those challenges may have to a TGRA's over all regulatory capacity. In addition, the NIGC will continue to promote best practices at the local and national levels to help address issues that may arise. A copy of the most recent communication by the NIGC Director of Compliance to all TGRA leadership is attached to this letter and illustrates the guidance we will continue to provide as appropriate.

Additionally, the NIGC continues to take steps that will ensure we remain accountable to good governance practices as a federal agency. It is a priority at the agency to institute and anticipate policies and practices necessary to maintain the NIGC's ability to continue operations. Maintaining operational capacity ensures the NIGC will meet our responsibilities as a regulatory body in service to the American people.

As developments occur I will continue to update you. Thank you for the leadership you provide and our shared commitment to protect tribal assets and promote tribal self-sufficiency.

Sincerely,



E. Sequoyah Simermeyer
Chairman

Attachment



Coronavirus (COVID-19) Guidance for Tribal Gaming Facilities

March 12, 2020

Dear Tribal Regulators:

This interim guidance, as provided by the Centers for Disease Control and Prevention (CDC), is intended to assist you and your tribal gaming communities in taking appropriate measures to combat the Coronavirus (COVID-19).

COVID-19 is an emerging respiratory disease and there is more to learn about its transmission, clinical course, and populations at increased risk of disease and complications. Everyone can do their part to help plan, prepare, and respond to this emerging public health threat.

As the COVID-19 outbreak evolves, CDC strongly encourages organizers and staff of large gatherings to prepare for the possibility of outbreaks in their communities. Assessing your emergency preparedness and continuity plans can help protect your employees and communities.

CDC has developed recommended actions for preventing the spread of COVID-19 at mass gatherings and large community events.

Review emergency operation and preparedness plans for your facilities:

- Stay informed about the local COVID-19 situation. Get up-to-date information about local COVID-19 activity from public health officials.
- Discuss your emergency operations plans and determine how they may impact aspects of your events, such as personnel, security, services and activities, functions, and resources. Work with your emergency operations coordinator or planning team to prepare for the key prevention strategies outlined in this guidance. Develop a contingency plan that addresses various scenarios described below which you may encounter during a COVID-19 outbreak.
- Establish relationships with key community partners and stakeholders. When forming key relationships, include relevant partners such as the local public health departments, community leaders, vendors, suppliers, hospitals, hotels, airlines, transportation companies, and law enforcement. Collaborate and coordinate with them on broader planning efforts. Clearly identify each partner's role, responsibilities, and decision-making authority. Contact your local public health department for a copy of their outbreak response and mitigation plan for your community. Participate in community-wide emergency preparedness activities.

Address key prevention strategies in your emergency operations and preparedness plan:

- Provide COVID-19 prevention supplies at your facilities. Plan to have extra supplies on hand for employees and patrons, including sinks with soap, hand sanitizers, increased cleaning and sanitizing efforts, etc.
- Plan for employee absences. Develop flexible attendance and sick-leave policies. Employees should stay home when they are sick, or they may need to stay home to care for a sick household member or care for their children in the event of school dismissals. Identify critical job functions and positions and plan for alternative coverage by cross-training staff (similar to planning for holiday staffing).
- If an employee is confirmed to have COVID-19, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act.

Stay informed using trusted sources – CDC is updating its website daily with the latest information and advice for the public. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>) The CDC does NOT currently recommend the use of facemasks or other respiratory protection for the general public.

However, everyday preventive actions to help prevent the spread of viruses are advised, including:

- Wash hands often with soap and water for at least 20 seconds. If soap and water are not available, use an alcohol-based hand sanitizer.
- Avoid touching eyes, nose, and mouth with unwashed hands.
- Stay home when sick and avoid close contact with people who are sick.
- Cover cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces.
- Get the flu vaccine, if you have not already received it this season.
- If you are experiencing symptoms such as cough, fever, shortness of breath, follow up with your healthcare provider and be sure to mention any recent travel.

References/For more information:

- IHS: <https://www.ihs.gov/>
- HHS-CDC Information: <https://www.cdc.gov/coronavirus/2019-nCoV/summary.html>
- OSHA Information: https://www.osha.gov/SLTC/novel_coronavirus/index.html
- World Health Organization Information: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

Tribal regulatory authorities and casino management should evaluate tribal internal controls and policies and procedures for updates needed to account for preventive health practices that are being encouraged to protect casino staff and patrons. In the event of a presumptive positive case of COVID-19 that involves your gaming facility, the NIGC encourages swift action to contain and mitigate the spread of the virus. Appropriate measures should be taken to protect the health and safety of staff and the public.

The NIGC is very open to understanding how the NIGC can support your efforts to communicate externally to the public about the oversight measures in place to protect facilities, staff and patrons. We know that the scope of internal deliberations among the tribe and its operators will vary given the on the

ground facts in a specific community. The NIGC is available to provide resources and input as these considerations become relevant in different communities and in preparation to mitigate any risk.

In order to assist in monitoring environmental and public health and safety requirements under the Indian Gaming Regulatory Act, we encourage tribes to self-report any presumptive positive cases of COVID-19 that involve your gaming facilities to the NIGC. For additional guidance, information or technical assistance, please contact your NIGC Regional Office (www.nigc.gov/compliance/regional-office) or Director of Compliance, Dustin Thomas, at dustin.thomas@nigc.gov or (202) 531-6407.

Sincerely,

A handwritten signature in blue ink that reads "Dustin Thomas". The signature is written in a cursive style with a large initial "D".

Dustin Thomas
Director of Compliance