

**STATEMENT OF
E. SEQUOYAH SIMERMAYER,
NOMINEE FOR THE POSITION OF
CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

JULY 24, 2019

Chairman Hoeven, Vice Chairman Udall, Members of the Committee, thank you for providing me this opportunity to discuss my interest and willingness to serve as Chairman of the National Indian Gaming Commission. I am humbled and honored that the President has nominated me to serve. If confirmed, I intend to diligently work to maintain the President's confidence, your support, and the trust of the tribal gaming industry and general public to the best of my abilities.

My wife, children, brother, and parents are with me today. My parents, Ed and Lillian Simermeyer, have given me a strong sense of cultural identity and my faith. They have given me a connection with my father's maternal Brewington family in my Coharie Tribe's traditional homelands in eastern North Carolina; as well as my Vigil and Romero family on my mother's side, who live today and have lived for many generations in northern New Mexico. They have instilled in me my invaluable Christian faith and an appreciation for the value of serving others. My wife, Genevieve Simermeyer, is a remarkable person and a member of the Osage Tribe from northeastern Oklahoma. My wife and I are proud to be raising our two daughters, Adeline and Analicia, and our new born son, Philip, with the same appreciation for spiritual values and cultural traditions that we have been blessed to know. And I am grateful for my brother, John Simermeyer, who is here today. My sister, Portia Simermeyer, and my brother, James, his wife, Susie, and their new born son, Sam, could not be here today but are supporting me with their prayers. Thank you for allowing me the chance to introduce my family. They inspire and support me in countless ways.

When blessed with opportunities to serve others, I have strived to be ready and well prepared. My academic pursuits and professional endeavors have focused on public service especially in service to Native people. I have learned the value of teamwork, persistence and discipline through athletics, including my life-long involvement in the sport of lacrosse. My experience has also proven to me the value of inter-tribal collaboration. I have been part of the traditional spirit of collaboration this Committee is known for and that has historically benefited American Indian, Alaska Native, and Native Hawaiian peoples. And, I have subscribed to the same collaborative spirit in my work at the National Indian Gaming Commission.

Essential to meeting a National Indian Gaming Commission Chairman's responsibility is his or her role in carrying out the Indian Gaming Regulatory Act. As a current member of the National Indian Gaming Commission, I have been honored to support the Commission's role in meeting the Indian Gaming Regulatory Act's policy objectives and thereby helping to improve lives in tribal communities.

Since beginning my term in 2015, it has been important to me that I work closely with tribal regulatory bodies and tribal leadership so that any National Indian Gaming Commission decision accounts for tribes' regulatory expertise. The tribal regulators spend every day in the facilities they regulate and their knowledge and experience is a great resource to the Commission. I also have advocated for the National Indian Gaming Commission's decision-making processes to be diplomatic and to respect tribes' inherent authority to develop relationships with other governments. This authority is an invaluable tool every government uses to articulate and realize its vision for the people it serves. Finally, I have worked collaboratively with my colleagues on the Commission to follow the comprehensive structure that lawmakers established under the Indian Gaming Regulatory Act. For more than thirty years, lawmakers' deliberations with tribes' input and effort have given shape to the unprecedented opportunity for success in Indian country made possible by tribal gaming.

The tribal gaming industry represents an American success story and demonstrates the depth of tribal governments' ability to serve their people. Indian gaming's gross gaming revenue in Fiscal Year 2017 generated over 32 billion dollars. For many tribal communities and their neighbors, the industry represents the lifeblood necessary for community operations, robust engagement with tribal members and neighboring jurisdictions, and job opportunities for tribal and non-tribal members alike. It is an essential part of many tribal governments' modern regulatory systems. And, Indian gaming is an anchor point for many tribes' effective intergovernmental relationships with other tribes, the states and federal partners.

If given the opportunity to help lead the National Indian Gaming Commission as its chairman, I will work with my colleagues on the Commission, with tribal governments, with leadership across all regulatory bodies involved in the Indian gaming industry, and with other industry stakeholders. I will also make it a priority for the National Indian Gaming Commission to support Congress' work and legislation as enacted with regard to the Indian Gaming Regulatory Act and other laws applicable to the National Indian Gaming Commission's work. Through this collaboration and support for lawmakers' direction, the National Indian Gaming Commission will help perpetuate Indian gaming's continued success through sound regulation and oversight.

There are four areas the National Indian Gaming Commission has the opportunity to emphasize as it builds on its ongoing planning efforts, including its strategic plan. Those emphasis areas are integrity, preparedness, accountability, and outreach.

Integrity

Protecting tribal assets and the reputation of the gaming industry from which those assets derive is what the National Indian Gaming Commissions' dedicated staff do every day. Since being appointed to the Commission, I often see the unsung expertise of the NIGC's strong and dedicated workforce. In partnership with the regulatory community, with public policy makers, and with the gaming industry; the NIGC team works to help cultivate a strong regulatory environment at the over 240 tribes with over 500 gaming operations on Indian land in 29 States.

If given the opportunity to serve as the NIGC chairman, I intend to explore the opportunity to broaden partnerships in the regulatory and law enforcement community; to invest in tools that will help ensure tribes' capacity to assess risk and thereby mitigate threats to an operation, its customers, and the tribal members that rely on gaming resources; and to promote a compliance strategy that uses proven training and technical assistance and does not hesitate to bring well-articulated, timely, and defensible enforcement actions in order to help safe guard the industry's reputation for sound regulation.

Preparedness

The National Indian Gaming Commission is uniquely positioned to assist tribes to protect against threats and to take advantage of opportunities for economic success. These threats and opportunities vary among tribes and can be unique to different parts of Indian country. By facilitating partnerships and by promoting knowledge about best practices, the NIGC supports tribes' efforts to effectively prepare their operations and regulatory bodies for the future.

If given the opportunity to serve as Chairman, I intend to work with tribes at both the tribal level and national level to assist tribes in leveraging their regulatory bodies' risk assessment skills and subject matter expertise to help tribal policy makers to prioritize challenges that may exist to the continuity of a tribe's gaming operations and its emergency preparedness in areas such as environment, health, and public safety. I would explore the opportunity to develop partnerships among sister federal agencies to help inform local level discussions in these areas. I also would work in coordination with my colleagues to identify best practices and emerging trends to ensure support for tribal economic development, self-sufficiency, and the integrity of tribal gaming.

Accountability

When lawmakers established the National Indian Gaming Commission, the Indian Gaming Regulatory Act expected that sound governance practices at the federal level would assist the Indian gaming industry's growth. Through its planning and reporting tools, the National Indian Gaming Commission has the opportunity to promote the federal operations' ability to engage with and maintain the trust of the tribal governments and the regulatory communities the National Indian Gaming Commission works in partnership with and serves.

If given the opportunity to serve as Chairman, I intend to work with my fellow commissioners to identify opportunities to develop more public facing platforms to encourage predictability and transparency in NIGC's recurring processes. It is my hope that this engagement will promote accountability, generate more robust Commission planning, and encourage predictability in the Commission's policy development and thereby minimize any unintended impacts of NIGC policy on the tribal gaming industry. Efforts to promote NIGC's accountability will save resources, forecast policy formation, grow a strong federal team, and support tribes' cultivation of a ready industry workforce.

Outreach

The National Indian Gaming Commission is a federal body with independent investigative powers and civil enforcement authority over gaming on Indian land. It has a unique body of national expertise and insight into tribal gaming's impact on tribal economies, industry innovation, and tribal governments' regulatory capacities. The National Indian Gaming Commission's authority and expertise provides it with the opportunity to engage in outreach and education efforts at the national level that will promote industry integrity. Furthermore, its solemn responsibility as a federal entity obliges the National Indian Gaming Commission to develop policy informed by government-to-government consultation with tribes.

If given the opportunity to serve as Chairman, I would work with my colleagues to build on the Commission's outreach efforts and ensure that the Commission's commitment to consultation with tribal governments is efficient and effective. The National Indian Gaming Commission has the opportunity to provide more regular outreach that will educate the public about the comprehensive regulatory system that oversees tribal gaming, and can identify research and data that will help focus national or local level discussions that take up issues related to the regulation of tribal gaming. Finally, we have the opportunity to make consultation more cost effective and accessible for tribal leadership. By taking a fresh look at technology and planning tools, the Commission can innovate and maintain a commitment to diplomatic intergovernmental relationships.

Indian country's advancement toward regaining greater self-sufficiency through gaming has been to everyone's benefit. Gaming operations regulated under the Indian Gaming Regulatory Act make a growing contribution to a strong national economy. As a federal regulatory authority and an inter-governmental partner with tribes, the NIGC has the opportunity both to protect each tribe's investments in the pursuit of economic success through gaming and to help promote strong tribal regulatory systems. This is an opportunity made clear in the Indian Gaming Regulatory Act's mandate. If given the honor of serving as the National Indian Gaming Commission's Chairman, I will work every day to preserve this opportunity by leading the agency's efforts to ensure tribal assets are protected and sound industry regulation and oversight are promoted.

Thank you for your time today. I am happy to answer any questions you may have.