

**NOMINATION OF HON. PATRICE H. KUNESH TO
BE CHAIRMAN OF THE NATIONAL INDIAN
GAMING COMMISSION**

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

UNITED STATES SENATE

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

—————
SEPTEMBER 18, 2024
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**NOMINATION OF HON. PATRICE H. KUNESH
TO BE CHAIRMAN OF THE NATIONAL
INDIAN GAMING COMMISSION**

WEDNESDAY, SEPTEMBER 18, 2024

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:19 a.m. in room 628, Dirksen Senate Office Building, Hon. Brian Schatz, Chairman of the Committee, presiding.

**OPENING STATEMENT OF HON. BRIAN SCHATZ,
U.S. SENATOR FROM HAWAII**

The CHAIRMAN. Good morning. Today, the Committee will consider the nomination of the Honorable Patrice H. Kunesh of Minneapolis, Minnesota, to be the Chair of the National Indian Gaming Commission for a term of three years.

The President nominated Ms. Kunesh on July 23, 2024. She currently serves as the Commissioner of the Administration for Native Americans at the Administration for Children and Families in the U.S. Department of Health and Human Services.

Before we begin, I would like to welcome Ms. Kunesh and thank her for joining us, and thank her for always saying yes when being asked to serve.

This hearing is an important first step in carrying out the Senate's constitutional obligation to provide advice and consent. It is an opportunity to learn how, if confirmed, Ms. Kunesh plans to carry out and uphold the United States' trust responsibility to tribes, and oversight function of the National Indian Gaming Commission over Indian gaming.

It is our duty to establish a record of the nominee's policy views on Indian gaming, how she sees her role as chair, her plans to maintain the integrity of the agency she would lead, and how she would engage with tribal nations on a government-to-government basis.

The Indian Gaming Regulatory Act established the NIGC as an independent, bipartisan regulatory agency within the Department of the Interior. The chair of the NIGC has important statutory powers that are critical to the regulation of Indian gaming, including the power to approve Class II and Class III gaming ordinances or resolutions, the power to impose fines and order the temporary

closure of gaming facilities, and finally, the power to approve management contracts for Class II and Class III gaming.

This Committee considered the nomination of former NIGC Chair Simermeyer, who was confirmed by the full Senate in 2019. The position of chair has been unfilled since the resignation in February of 2024. It has been almost 40 years since Congress passed the Indian Gaming Regulatory Act. Gaming technology has rapidly advanced over the decades from electronic bingo to online sports betting. It continues to evolve quickly.

Technology holds great opportunity, but with it regulatory challenges change and grow. The NIGC must adapt and its chair, as the top Indian gaming regulator, must exercise their statutory powers while staying true to the commission's mission to promote tribal economic development and self-determination in their gaming activities.

This is no easy task, but Ms. Kunesh is a proven leader who can and will achieve this important balance. The Committee reported her nomination as ANA Commissioner favorably and the Senate confirmed her by a vote of 57 to 35 in February of 2023. Ms. Kunesh continues to serve in that capacity and has done so with distinction.

I am confident that Ms. Kunesh will bring the same strong leadership and ethics to the position as she does in her role as ANA commissioner. The Committee has received endorsements from tribes and tribal organizations supporting Ms. Kunesh's confirmation and I have made them all part of the record today.

I look forward to considering this important nomination and working with the Vice Chair and my colleagues to move this nomination through our Committee.

Vice Chair Murkowski?

**STATEMENT OF HON. LISA MURKOWSKI,
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Thank you, Mr. Chairman.

Ms. Kunesh, welcome back to the Committee, and congratulations on your nomination.

As the Chairman has noted, you are no stranger here in the Senate Indian Affairs Committee. In your current capacity as Commissioner for the Administration for Native Americans, you have appeared before us on our oversight hearing on public safety needs. In 2019, you participated in a Committee hearing to examine lending opportunities for tribal home ownership.

I think it is fair to say that public safety and housing are top issues, certainly in my State, and I know it is for my fellow colleagues here on the Committee as well. So thank you for your work on these challenging issues and your continued commitment to serve.

I do think it is important to talk a little bit about the commission that you are nominated to. As the Chair has noted, the commission was established by the Indian Gaming Regulatory Act of 1988. It is an independent Federal Regulatory agency housed at DOI.

The commission has a big job. It is responsible for protecting the integrity of Indian gaming from mismanagement and infiltration by criminal elements. It does this by monitoring tribal activities at

more than 500 casinos in 29 States, conducting site inspections and processing background checks on tribal gaming employees.

The NIGC also plays an important role in safeguarding gaming revenue for tribes, which must go toward supporting tribal governments and social services. It is a big, big business. Revenues topped \$41.9 billion last year. This is an increase of \$1 billion in gross revenues from last year.

And as the Chair has noted, the chairman of the commission is a pretty powerful position, with exclusive authority to levy fines, and issue closure orders to tribal casinos that would violate NIGC regulations. The chair is also responsible for approving gaming ordinances and contracts between tribes and casino management firms.

The mission of the NIGC takes on added significance given the tremendous changes that are occurring in the tribal gaming industry today. In recent years, tribes have entered commercial gaming markets that were unimaginable when IGRA was enacted back in 1988. Today, several tribes own casinos along the Las Vegas strip. Tribes have also entered the sports betting world. Some tribes offer sports betting apps for mobile devices, which is a rapidly growing industry.

I think it is a testament to tribes and IGRA that tribes have achieved this level of success in the gaming industry. But we know that there are bad actors out there that might threaten the success. Tribal casinos are targets for cybercriminals, including ransomware attacks that have cost millions of dollars in losses, and casinos, tribal and non-tribal, have long attracted human trafficking and illicit drug activity that prey on the Nation's most vulnerable.

So more has to be done to address the threats. I think we would all acknowledge that.

So I am looking forward to hearing from you this morning on your views about these matters during this hearing. Again, thank you for your willingness to step up to this position.

The CHAIRMAN. Thank you very much, Vice Chair.
Senator Smith?

**STATEMENT OF HON. TINA SMITH,
U.S. SENATOR FROM MINNESOTA**

Senator SMITH. Thank you. I want to thank the Chair and Vice Chair and this Committee for holding this nomination hearing today to consider the nomination of Patrice Kunesh, a descendant of the Standing Rock Lakota, to serve as chair of the National Indian Gaming Commission.

Mr. Chair, Vice Chair and Committee colleagues, I have known Patrice for many long years. We have done much work together. I can tell you, though you don't need me to tell you this, because she has been before our Committee before, that she is an exemplary public servant. I know she will do an excellent job in this role.

As you have noted, Mr. Chair, Commissioner Kunesh currently leads the Administration for Native Americans at the Department of Health and Human Services. This is just her latest role in her lifetime of service to Indian Country.

Just in the Federal Government, she has served in the Department of Interior, Department of Agriculture and the Minneapolis

Fed Bank Centers for Indian Country Development, as well as the Department of Justice.

At the Fed, Patrice oversaw some of the most important research that we have seen about the impact of gaming on tribal economies. So she knows first-hand the importance of gaming. And as attorney to the Mashantucket Pequot, she saw the origin of gaming and how it works at the tribal level.

So I think you have an outstanding portfolio of experience to bring to this role. I am very grateful for your willingness to continue to serve Indian Country in this new capacity. Thank you so much and welcome to the Committee.

The CHAIRMAN. Thank you very much, Senator Smith.

Are there any other members wishing to make an opening statement? If not, Ms. Kunesh, please rise and raise your right hand.

Do you solemnly affirm that the testimony you give today shall be the truth, the whole truth and nothing but the truth under penalty of perjury?

Ms. KUNESH. Yes.

The CHAIRMAN. Thank you. Please be seated.

I will remind you that we have your full written testimony which will be made part of the official hearing record. Please keep your statement to no more than five minutes, so that members have time for questions.

Ms. Kunesh, please proceed with your opening statement.

**STATEMENT OF HON. PATRICE H. KUNESH, NOMINEE TO BE
CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION**

Ms. KUNESH. Good morning, Chairman Schatz, Vice Chairman Murkowski, and distinguished members of the Committee. Thank you so much for the opportunity to appear before you today as President Biden's nominee for Chair of the National Indian Gaming Commission.

I grew up in a small town in central Minnesota. I am the seventh of 13 siblings, the mother of two daughters, and an unci, a grandmother, to the delightful Lucy Wintermoon. They are my pride and joy.

Two strong influences have shaped my three-decade career in Federal Indian law and policy. One was my grandfather and the other was my father. My grandfather was born in 1902 on the Fort Berthold Reservation in North Dakota, home of the Three Affiliated Tribes, Mandan, Hidatsa, and Arikara. He spent his early years in Fort Yates on the Standing Rock Sioux Reservation.

He was enrolled at Standing Rock Tribe, as was my mother. Like most Native families at the time, he was impacted by painful separations due to Federal Indian boarding school policies. It wasn't until 1924 that Congress passed the Indian Citizenship Act to confirm U.S. citizenship status on Native people, including their right to vote and own property. By then, my great grandmother made the courageous move to Minnesota in hopes of a more stable life. My grandfather remained close to his family on Standing Rock and his mother was buried there.

It feels remarkable to me that his granddaughter was confirmed by the Senate in 2023 as Commissioner of the Administration for

Native Americans at the Department of Health and Human Services by a bipartisan vote.

My father's work for local government as both county and city attorney involved cases involving social services and the criminal justice systems. He was a strong advocate for Native youth and Native men who found themselves homeless or incarcerated due to the Federal Indian relocation and child removal policies.

Their narratives, my grandfather's devotion to his homelands and my father's pursuit of justice, as well as my mother's ardent love for family, instilled in me a strong sense of vocation to become an advocate for Native American rights.

I began my law career at the Native American Rights Fund, a public interest law firm whose mission is to protect Native rights, resources, and lifeways. Then as in-house counsel to the Mashantucket Pequot Tribal Nation in Connecticut, I helped the tribe establish a judicial and regulatory infrastructure that continues to support its economic development, primarily centered around its gaming operations.

As a professor, I taught courses on Federal Indian law and gaming at the University of South Dakota School of Law. Then-President Obama appointed me to serve as the Deputy Solicitor for Indian Affairs at the Department of the Interior, and later as the Deputy Under Secretary for Rural Development at the Department of Agriculture where I focused on housing, broadband, and other community infrastructure investments on reservation communities.

At the Minneapolis Fed, I led the Center for Indian Country Development, an economic policy research initiative that supports the prosperity of Native nations. And in my current role as commissioner for the Administration for Native Americans, I have the great privilege of making vital investments in Native communities to enhance their social and economic well-being, of Native Americans, Alaskan Natives, Native Hawaiians, and indigenous people of the Pacific Islands.

Indian gaming provides indispensable financial resources to catalyze reservation economies and contributes to essential services for the health and well-being of Native peoples. Importantly, it also promotes nation building and good governance.

If confirmed, I would focus my attention on three areas. First, fulfilling the mission of NIGC in promoting tribal economic development, and maintaining the critical integrity of the Indian gaming industry. Second, I would endeavor to mitigate risks within the influx of new technologies and gaming formats, including online gaming and artificial intelligence. Third, I would be committed to good governance practices within the NIGC and ensure that NIGC has sufficient resources to fulfill its mission.

It would be an honor to extend my service to Indian Country as the next chair of the National Indian Gaming Commission and help lead this agency into the new era of Indian gaming. Thank you for your time today. I look forward to your questions.

[The prepared statement and biographical information of Ms. Kunes follows:]

PREPARED STATEMENT OF HON. PATRICE H. KUNESH, NOMINEE TO BE CHAIRMAN OF
THE NATIONAL INDIAN GAMING COMMISSION

Good morning, Chairman Schatz, Vice Chairman Murkowski, and distinguished Members of the Committee. Thank you for the opportunity to appear before you today as President Biden's nominee for Chair of the National Indian Gaming Commission.

I grew up in a small town in central Minnesota. I am the 7th of 13 siblings, the mother of two daughters, and an *unci*, a grandmother, to the delightful Lucy Wintermoon. They and their families are my pride and joy.

Two strong influences have shaped my three-decade career in federal Indian law and policy. One was my grandfather and the other was my father.

My grandfather was born in 1902 on the Fort Berthold Reservation in North Dakota, home of the Three Affiliated Mandan, Hidatsa, and Arikara Tribes, and spent his early years in Fort Yates on the Standing Rock Reservation. He was enrolled in the Standing Rock Tribe, as was my mother. Like most Native families at the time, he was impacted by painful separations of his siblings sent to Federal Indian boarding schools.

It wasn't until 1924 that Congress passed the Indian Citizenship Act to confirm United States citizenship status to Native people, including their right to vote and own property. By then, having faced decades of deprivation and near destitution, my great grandmother made the courageous move to Minnesota in hopes of a better life. My grandfather eventually found work on the Alaskan Canadian Highway and sent his wages home to his wife in St. Paul to provide for their children. He remained very close to his family on Standing Rock and his mother was buried there.

During the rare quiet times when my grandfather visited us, he would tell us stories from his summers at Standing Rock, his love for the prairie and his family, but also of being discouraged for not being there. It feels remarkable to me that his granddaughter was confirmed by the Senate in 2023 as Commissioner of the Administration for Native Americans at the Department of Health and Human Services by a bipartisan vote of 57-35.

My father's work for local government as county and city attorney involved cases in the social services and the criminal justice systems. He was a strong advocate for Native youth and Native men who found themselves homeless or incarcerated due to the federal Indian relocation and child removal policies.

Their narratives, my grandfather's devotion to his homelands and my father's pursuit of justice, as well as my mother's ardent love for family, instilled in me a strong sense of vocation to become an advocate for Native American rights.

I studied federal Indian law at the University of Colorado School of Law and worked at the Native American Rights Fund, a public interest law firm whose mission is to protect Native rights, resources, and lifeways. As in-house counsel to the Mashantucket Pequot Tribal Nation in Connecticut, I helped the Tribe establish a judicial and regulatory infrastructure that continues to support its economic development, primarily centered around its gaming operations.

As a professor, I taught courses on federal Indian law and gaming at the University of South Dakota School of Law. President Obama appointed me to serve as the Deputy Solicitor for Indian Affairs at the Department of the Interior, and later as the Deputy Under Secretary for Rural Development at the Department of Agriculture where I focused on housing, broadband, and other community infrastructure investments in reservation communities.

At the Minneapolis Federal Reserve, I led the Center for Indian Country Development, an economic policy research initiative that supports the prosperity of Native nations. And in my current role as Commissioner, I have the great privilege of making vital investments in Native communities to enhance the social and economic well-being of Native Americans, Alaskan Natives, Native Hawaiians, and indigenous people of the Pacific Islands.

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If confirmed, I would focus my attention on three main areas. First, fulfilling the mission of the NIGC in promoting tribal economic development, self-sufficiency, and strong tribal governments, as well as maintaining the critical integrity of the Indian gaming industry. Second, I would endeavor to mitigate risks within the influx of new technologies and gaming formats, including on-line gaming and artificial intelligence. Third, I would be committed to good governance practices, which include ensuring the NIGC has sufficient resources to fulfill its mission and that it operates in the most efficient and cost-effective manner.

It would be an honor to extend my service to Indian Country as the next Chair of the National Indian Gaming Commission and help lead this agency into the new era of Indian gaming.

Thank you for your time today. I look forward to your questions.

A. BIOGRAPHICAL INFORMATION

1. Name: Patrice Helen Kunesh
2. Position to which nominated: Chairman of the National Indian Gaming Commission
3. Date of nomination: July 23, 2024
4. Address: [Information not released to the public.]
5. Date and place of birth: [Information not released to the public.]
6. Marital status: Not married
7. Names and ages of children: [Information not released to the public.]
8. Education:

Cathedral High School, St Cloud, MN, (1974–1978), diploma conferred May 1978

College of St Catherine (1978–1980), no degree

Colorado State University, Fort Collins, CO (1981–83), Bachelor of Arts conferred August 1983

University of Colorado School of Law (1986–1989), Juris Doctorate conferred, May 1989

Harvard University, Kennedy School of Government (2009–2010). Master in Public Administration conferred, May 2010

9. Employment record:

03/2023 – Present: U.S. Department of Health and Human Services, Administration for Children and Families, Administration for Native Americans, Commissioner and Deputy Assistant Secretary for Native American Affairs (Washington, DC)

06/2020 – 03/2023: Native American Rights Fund, Inc., Major Gifts Officer (Boulder, CO)

01/2020 – Present - Inactive since 03/2023: Peñiñ Haha Consulting, Founder/Director (Minneapolis, MN)

06/2015 – 01/2020: Federal Reserve Bank of Minneapolis, Director of Center for Indian Country Development and Assistant Vice President for Community Development (Minneapolis, MN)

05/2013 – 07/2015: U.S. Department of Agriculture, Deputy Under Secretary for Rural Development (Washington, DC)

02/2011 – 05/2013: U.S. Department of the Interior, Deputy Solicitor for Indian Affairs (Washington, DC)

07/2005 – 02/2011: University of South Dakota School of Law, Associate Professor (Vermillion, SD)

09/1995 – 07/2005: Mashantucket Pequot Tribal Nation, In-House Counsel (Mashantucket, CT)

09/1989 – 09/1995: Native American Rights Fund, Inc., Staff Attorney (Boulder, CO)

06/1987 – 08/1987: U.S. Department of Justice, Law Intern (Washington, DC)

09/1987 – 08/1989: Native American Rights Fund, Inc., Intern (Boulder, CO)

05/1984 – 08/1986: Davis & Smith Law, Paralegal (San Antonio, TX)

06/1984 – 12/1984: ICM Mortgage, Mortgage Manager (Denver, CO)

10. Government experience:

September 2021–March 2023: Member of U.S. Treasury Community Development Advisory Board, Community Development Financial Institutions Fund (representing Native communities)

11. Business relationships:

Peñiñ Haha Consulting, Founder/Director, Minneapolis, MN (01/2020 – Present; Inactive since March 2023)

12. Memberships:

Wakan Tipi Awanyankapi (formerly known as Lower Phalen Creek Project)

- *Chair, Board of Directors (01/2022 – 12/2022)*
- *Co-Chair, Board of Directors (07/2021 – 12/2021)*
- *Member, Board of Directors (06/2019 – 07/2021)*

Better Way Foundation

- *Chair, Investment Committee (01/2022 – 12/2022)*
- *Co-Chair, Board of Directors (01/2021 – 12/2021)*
- *Member, Board of Directors (10/2018 – 12/2020)*

*Denver Indian Family Resource Center, Board Member (10/2021 – 12/2022)**Minnesota Housing Partnership, Board Member (12/2021 – 03/2023)**Minneapolis American Indian Center, Capital Campaign Committee member (10/2020 – 03/2023)**League of Women Voters, Minneapolis Chapter, Member (10/2021 – 03/2023)**Minnesota Election Judge (06/2020 – 03/2023)**Enterprise Community Partners, Judge, Housing Affordability Breakthrough Challenge (2019 – 2020)**Fannie Mae Single Family Rural Advisory Council, Member (2018 – 2019)**National Congress of American Indians, Building Sustainable Economies Taskforce Member (2018 – 2019)**National Museum of the American Indian, National Council Member (2016 – 2020)**National Science Foundation, Cohort in Culturally Relevant Economic Development (2018 – 2019)**Rural Policy Research Institute, Next Generation Advisory Council Member (2018 – 2019)**Johns Hopkins University Center for American Indian Health, "We Are One" Advisory Board and Share Our Strength Native American Hunger Advisory Council Member (2018 – 2019)**USDA Rural Broadband Advisory Group Member (2017 – 2019)**Hennepin County Hospice and TRU Hospice, Volunteer (2016 – 03/2023)**University of South Dakota: NCAA Division I Certification Team and Chair of Subcommittee on Gender, Diversity; Internal Review Board Member (2009 – 2011)**Rocky Mountain Mineral Law Institute Trustee (2005 – 2011)**Head Start South Dakota, Board of Directors (2008 – 2011)**South Dakota Voices for Children, Committee on Poverty Member (2007 – 2011)**American Association of Law Schools, Indian Nations & Indigenous Peoples Section Member (2006 – 2009)**Big Brother Big Sisters of Connecticut, Board Member (1999 – 2005)**Connecticut Permanent Commission on Status of Women, Board Member (1998 – 2005)**Federal Bar Association, Member (1989 – 2013) and National Indian Law Conference Chair (2007, 2008, 2014)**American Bar Association, Member (1990 – 2005)**Native American Bar Association, Member (1997 – 2013)**Native American Symphony, Board Member (1998 – 2000)**Skadden Fellowship Foundation, New York, NY, Trustee (1994 – 2000)**Tenth Circuit Court of Appeals Commission on the Status of Women, Committee Chair (1993 – 1994)**Denver Children's Hospital Volunteer (1990 – 1995)*

13a. Political affiliations and activities: None.

13b. List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years:

Member of the Democratic Party.

Treasurer for Mary Kunesh/or Minnesota State Senate 2020.

13c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years.

08/19/2020: Biden for President (\$500)

07/24/2020: Biden for President (\$500)

07/24/2020: Biden Victory Fund (\$500)

09/24/2017: Aaron Scheinberg for Congress (\$500)

09/24/2017: Salerno for Congress (\$500)

12/02/2015: Hillary for America (\$1,000)

14. Honors and awards:

Academic scholarships to the College of St. Catherine, St. Paul, MN (1978–1980)

U.S. Department of Education, Indian Education Scholarship at the University of Colorado School of Law (1987–1989)

Skadden Public Interest Fellowship (1989–1991)

Skadden Public Interest Fellowship Foundation-Trustee (1994–2000)

Bush Foundation Leadership Fellowship (2009–2010)

15. Published writings:

The Search for Missing Loved Ones Exploited for Profit, U.S. Department of Health & Human Services, Office on Trafficking in Persons – Look Beneath the Surface Blog, Jan. 11, 2024.

The Things They Carried: The Complex Legacy of Indian Boarding Schools & Contemporary Child Welfare Systems, National Native Child Trauma Center, August 15, 2022.

The Power of Self-Determination in Building Sustainable Economies in Indian Country, Economic Policy Institute, June 15, 2022.

Tribal Child Welfare Systems and Self-Determination: Aligning Governance with Culture and Creating Community Supports That Foster Family Wellbeing, National Native Child Trauma Center, June 6, 2022.

How Are the Children? Addressing COVID Mortality in Native Families by Investing in Child Well-Being, National Native Child Trauma Center, Jan. 14, 2022.

What We Inherit & What We Send Forth: How Tribes Can Improve Community Well-Being Through Trauma-Informed and Asset-Based Care, National Native Child Trauma Center, Sept. 13 2021.

The Significance of Belonging for Indigenous Peoples: The Power of Place and People – Creating a Vision for Community in Indian Country through Self-Governance and Self-Determination, 30 Journal of Affordable Housing and Community Development Law 23 (2021).

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In Leading Indian Country's Pandemic Recovery, Secretary Haaland has Opportunity to Shape a New Era of Federal Indian Policy, INDIAN COUNTRY TODAY, Op-Ed, Jan. 4, 2021.

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Access to Credit in Indian Country: The Promise of Secured Transaction Systems in Creating Strong Economies, chapter in CREATING PRIVATE SECTOR ECONOMIES IN NATIVE AMERICA: SUSTAINABLE DEVELOPMENT THROUGH ENTREPRENEURSHIP, Robert J. Miller, Miriam Jorgensen and Daniel Stewart eds., Cambridge University Press (2020).

Building Homes and Hope: Actions to Increase Affordable Housing in Indian Country, Shelterforce Magazine (2019).

Divided Interests: Growing Complexity of Fractionated Property Rights in Indian Country and Possible Solutions, chapter in HEIRS' PROPERTY AND LAND FRACTIONATION: FOSTERING STABLE OWNERSHIP TO PREVENT LAND LOSS AND ABANDONMENT, Gaither, Cassandra J.; Carpenter, Ann; Lloyd McCarty, Tracy; Toering, Sara, eds., U.S. Department of Agriculture Forest Service, Southern Research Station (2019).

The Landscape of Opportunity in Indian Country: A Discussion of Data from the Opportunity Atlas, Federal Reserve Bank of Minneapolis, Apr. 30, 2019.

Getting real about Indian Country – Surprising Progress in the Heartland, INDIAN COUNTRY TODAY, April 22, 2019.

The U.S. government shutdown: Its impact on Indian Country is deep, Federal Reserve Bank of Minneapolis, Jan. 14, 2019.

Narrowing Gaps Through Educational Investments for American Indians and Alaska Natives, chapter in INVESTING IN AMERICA'S WORKFORCE: IMPROVING OUTCOMES FOR WORKERS AND EMPLOYERS, V. I, Ch. 11, Upjohn Institute for Employment Literature, 2018.

TRIBAL LEADERS HANDBOOK ON HOMEOWNERSHIP, Federal Reserve Bank of Minneapolis and Enterprise Community Partners, Editor in Chief, 2018.

Healthy Children Healthy Nations: Charting Pathways on Early Childhood Development and Nutrition for Minnesota's Native Children, a collaboration with the Shakopee Mdewakanton Sioux Community and Better Way Foundation, 2018.

Can Indian Country Housing Solutions Help Natives in Urban Areas?, Federal Reserve Bank of Minneapolis, Sept. 24, 2018.

Opening the Doors to a New Generation of Dakota Speakers, INDIAN COUNTRY TODAY, Op-Ed, Aug. 7, 2018.

Bringing the dream of homeownership to American Indian Reservations, INDIAN COUNTRY TODAY, Op-Ed, Aug. 2, 2018.

Women's History Month: Remembering Zitk'ala-Sá (Red Bird) – Cultural bridge builder as accomplished author, musician, and champion of Native American rights, Federal Reserve Bank of Minneapolis, Mar. 6, 2018.

Creating Sustainable Homelands through Homeownership on Trust Lands, RURAL VOICES, Fall 2017.

Exploring the Intersection of Economic Development and Community Well-Being in Indian Country, The Federal Lawyer, April 2016.

What does financial literacy mean for Indian Country?, Federal Reserve Bank of Minneapolis, Apr. 19, 2016.

The Power of Philanthropy in Community Development, Federal Reserve Bank of Minneapolis, Mar. 10, 2016.

Mapping the Legal Frontier of Indian Policy in the United States, Mapping Native American Cartographic Interactions Between Indigenous Peoples, Government, and Academia, Daniel G. Cole and Imre Sutton, Editors, SMITHSONIAN PRESS 2014.

Sovereignty Gravitas, Creating Prosperity for Tribal Nations in the 21st Century, THE FEDERAL LAWYER, April 2014.

"The Violence Against Women Act will make Indian reservations safer;" Op-Ed, Sioux Falls Argus Leader, May 10, 2010; Denver Post, May 4, 2010.

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"A Practical Guide to the Indian Child Welfare Act," Native American Rights Fund, September 2007.

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Banishment As Cultural Justice in Contemporary Tribal Legal Systems: A Post-Script on Quair v. Sisco, 37 New Mexico Law Review 479 (2007).

A Call for an Assessment of the Status of the Welfare of Indian Children in South Dakota, 52 South Dakota Law Review 247 (2007).

Transcending Frontiers: Indian Child Welfare in the United States, 16 Boston College Third World L.J. 17 (1996) (paper originally presented at the International Society of Family Law's Eighth World Conference, University of Wales, Cardiff Law School, 1994, and published in *Families Across Frontiers*, Martinus Nijhof Publishers 1995).

Building Strong, Stable Indian Communities Through the Indian Child Welfare Act, 27 Clearinghouse Review 753 (1993).

The Indian Child Welfare Act of 1978: Protecting Essential Tribal Interests, 60 Colorado Law Review 131 (1988).

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Book reviews

"On the Drafting of Tribal Constitutions, by Felix S. Cohen," edited by David E. Wilkins, 27 *Journal of American Ethnic History* 4 (Summer 2008).

Not Without Our Consent Lakota Resistance to Termination, 1950-59, by Edward C. Valandra, 27 *Great Plains Quarterly* 311 (2008); University of Nebraska Press, Fall 2008.

16. Speeches:

Economic Policy Institute, The State of Working America Podcast, "Contemporary Social Issues and the Native American Experience in the United States," Program on Race, Ethnicity, and the Economy, Nov. 26, 2019. <https://www.youtube.com/watch?v=EhD8kakiYdw&t=10s>

Southwestern Social Science Association, "Shaping Institutional Culture: A Neo Socio-Cultural Paradigm for Creating Wealth in Indian Country," October 2019. Not recorded and no transcript available.

U.S. Treasury CDFI Fund, "Economics in Indian Country: The Investment Imperative and Opportunity," September 13, 2019. Not recorded and no transcript available.

Brookings Institute, "The future of American Indian gaming: The next 30 years," February 14, 2019. <https://www.brookings.edu/events/the-future-of-american-indian-gaming-the-next-30-years/#:~:text=Kunesh%20headshot,%20Patrice%20Kunesh%20Director%20%2D%20Federal,%20Minneapolis%2C%20Center%20for%20Indian%20Country%20Development>

17. Selection:

(a) Do you know why you were selected for the position to which you have been nominated by the President?

I believe I have been selected for this position because of my experience and background in the area of Tribal government gaming and federal Indian law, as well as my commitment to public service.

(b) What in your background or employment experience do you believe affirmatively qualifies you for this particular appointment?

As I previously represented to this Committee when I was nominated for my current position, I am a vigorous advocate for the social and economic development of Native American communities. Motivated by my heritage and family's personal experiences, I have dedicated my career to improving the well-being and economic security of Native communities.

I have practiced federal Indian law my entire law career, taught Indian gaming and economic development, worked directly with Tribal governments, and specifically, I have worked on Tribal gaming issues in the U.S. Department of the Interior's Office of the Solicitor and as an in-house attorney for a Tribe with extensive gaming facilities.

I also have experience in executive leadership positions. I currently serve as the Commissioner and Deputy Assistant Secretary for Native American Affairs at the U.S. Department of Health and Human Services. Additionally, I have led several large federal programs in my previous roles as the Deputy Solicitor for Indian Affairs at the Department of the Interior, the Deputy Under Secretary for Rural Development at the Department of Agriculture, and the Director of the Center for Indian Country Development at the Federal Reserve Bank of Minneapolis.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations, or business organizations if you are confirmed by the Senate?

Yes. As reflected in my Ethics Agreement, my consulting business has ceased engaging in any business, including providing consulting services to clients.

2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, please explain. No.

3. Do you have any plans, commitments, or agreements after completing government service to resume employment, affiliation, or practice with your previous employer, business firm, association, or organization? No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service? No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.

Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which is provided. I am not aware of any potential conflict other than those addressed by my ethics agreement.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which is provided. I am not aware of any potential conflict other than those addressed by my ethics agreement.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which is provided I am not aware of any potential conflict other than those addressed by my ethics agreement.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

In my current position, my responsibilities include addressing fiscal and programmatic matters related to the mission and role of the Administration for Native Americans at the U.S. Department of Health and Human Services.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which is provided I am not aware of any potential conflict other than those addressed by my ethics agreement.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position? Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain. No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county, or municipal law, regulation, or ordinance, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any entity, partnership or other association, whether incorporated or unincorporated, of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain. No.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, please explain. No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you

feel should be disclosed in connection with your nomination. None.

E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Please explain how if confirmed, you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress.

I will review regulations issued by the NIGC dispassionately and will work closely with Congress to ensure such regulations comply with the laws passed by Congress.

5. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

F. GENERAL QUALIFICATIONS AND VIEWS

1. How does your previous professional experiences and education qualify you for the position for which you have been nominated?

I possess extensive knowledge and experience with the laws and regulations concerning Indian gaming, as a law practitioner, a government attorney, and a legal scholar.

2. Why do you wish to serve in the position for which you have been nominated?

I wish to serve Indian Country in the best way possible and Indian gaming is the most robust industry that supports reservation economies and contributes to the health and well-being of Native peoples. Thus, it is paramount that the industry is well-regulated and well-positioned for the next era of Indian gaming.

3. What goals have you established for your first two years in this position, if confirmed?

In addition to fulfilling the mission of the NIGC (promoting tribal economic development, self-sufficiency, and strong tribal governments; maintaining the integrity of the Indian gaming industry; and ensuring that Tribes are the primary beneficiaries of their gaming activities), I would endeavor to mitigate risks within the influx of new technologies and gaming formats in recent years (on-line gaming and artificial intelligence) and commit to ensuring good governance practices (efficient and cost-effective approaches in order to maintain the NIGC's operations).

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills?

If confirmed as Chairman, I will need to learn the NIGC's internal administrative systems and operational processes. As I have done with other leadership roles, I will do so by engaging with staff and asking questions, and through hands-on experience.

5. Please discuss your philosophical views on the role of government. Include a discussion of when you believe the government should involve itself in the private sector, when society's problems should be left to the private sector, and what standards should be used to determine when a government program is no longer necessary.

A government's essential responsibilities are to create and enforce the rules of a society, defense, foreign affairs, the economy, and public services. Governments generally provide the legal and social framework, maintain competition, provide public goods and services, redistribute income, correct for externalities, and stabilize the economy. The government contributes to the economy by providing essential services, funding infrastructure projects, and maintaining social welfare, while the private sector drives economic growth through investments, job creation, and innovation. The extent to which government should be involved in the private sector is complex, and government involvement in business often depends on particular economic systems and current conditions. In general, governments play important roles in regulating industries to ensure fair competition, protect consumers and the environment, and promote economic stability. Additionally, governments provide critical financial support for certain industries, such as through subsidies or incentives, to achieve specific policy goals. The balance of government involvement in the private sector varies widely depending on the specific circumstances and priorities of a given state or region.

6. Describe the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated.

The mission of the National Indian Gaming Commission is to promote tribal economic development, self-sufficiency, and strong tribal governments, maintain the integrity of the Indian gaming industry; and ensure that Tribes are the primary beneficiaries of their gaming activities.

7. What do you believe to be the top three challenges facing the department/agency and why?

I believe the top three challenges facing the gaming industry include: (1) Technology, particularly the influence of artificial intelligence. Technology is constantly changing the rules of the game, quite literally, and regulations often lag behind and quickly become outdated (2) Cyber security is a heightened challenge due to the volume of both revenue and available customer data and the ever-present risk to maintaining data security. (3) On-line gaming is a strong competitor to “brick-and-mortar” facilities such as casinos because it offers a convenient and cost-effective alternative to physical destination locations.

8. In reference to question number six, what factors in your opinion have kept the department/agency from achieving its missions over the past several years?

I believe the NIGC has successfully accomplished its mission over the past several years and has done a good job of navigating the complexities of the COVID pandemic, which shut down all gaming facilities across the country.

9. Who are the stakeholders in the work of this department/agency?

The stakeholders are tribal governments who own the gaming facilities, the employees and patrons of those facilities, the tribal citizens who receive essential governmental services paid for with gaming revenue, state governments with whom tribal governments have compacts, and the general public, who rely on the public safety and security in their communities.

10. What is the proper relationship between the position to which you have been nominated, and the stakeholders identified in question number nine?

As the chief regulator of the gaming industry, the Chair of the NIGC is responsible to all of these stakeholders in ensuring the integrity of the games and the optimal regulatory balance.

11. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices.

a) What do you believe are your responsibilities, if confirmed, to ensure that your department/agency has proper management and accounting controls?

It is the NIGC Chairmans responsibility to ensure absolute compliance with proper management and accounting controls.

b) What experience do you have in managing a large organization?

As the USDA Deputy Under Secretary for Rural Development, I was responsible for overseeing a \$653 million budget, 47 State Directors, and collectively 4,800 employees. I supervised the CFO, HR., CIO and Civil Rights (EEO). I currently oversee a federal agency of 60 staff, both federal and contractors, with extensive financial and administrative responsibilities.

12. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals.

a) What benefits, if any, do you see in identifying performance goals and reporting on progress in achieving those goals?

The GPRA was conceived as a tool to strengthen government performance and it has been increasingly used to improve overall government performance and make it more accountable to the public.

b) What steps should Congress consider taking when a department/agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing, or consolidation of departments and/or programs?

If an agency fails to achieve its performance goals, Congress can investigate the underlying reasons (budget, staffing, competency, economic trends) and address them through continued oversight.

c) What performance goals do you believe should be applicable to your personal performance, if confirmed?

The Chair of the NIGC is not only the chief regulator and operations manager, but also must do so while advancing the public interest. Performance measures would include an assessment of strategic and operational alignment of the NIGC to its statutory and regulatory directives, effective management of NIGC's financial and human resources, and discernable confirmation that the NIGC's priorities, progress, and outcomes advance the larger public interest.

13. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you?

I generally adhere to a collaborative approach to supervision that entails the supervisor and employee problem-solving together to come up with the best approach

to work through issues. I also appreciate that compliance-based supervision is required in positions and industries that have high levels of accountability (financial, regulation, legal). One EEO complaint is pending in the Administration for Children and Families against the office of the Administration for Native Americans brought by an employee who I do not directly supervise.

14. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please explain.

I believe it is important to have a good and productive working relationships with Congress and I strive to do so. I have provided testimony to the Senate and House on separate occasions, and in my current position as Commissioner of the Administration for Native Americans at the U.S. Department of Health and Human Services, I recently testified before this Committee at an oversight hearing on May 22, 2024, titled, "Examining Public Safety and Justice Resources in Native Communities."

15. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency.

It would be my duty to assist and cooperate with the Inspector General (IG) personnel in the course of an investigation, audit, evaluation, or other IG review, as well as to ensure adherence to roles preventing and detecting fraud, waste, and abuse.

16. In the areas under the department/agency's jurisdiction to which you have been nominated, what legislative action(s) should Congress consider as priorities? Please state your personal views.

If confirmed, I would look forward to working with Congress to ensure that the NIGC has the resources and authorities needed to address the needs of tribal governments in ensuring the continuity of their economic enterprises.

17. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending in an open manner through a set of fair and objective established criteria? If yes, please explain what steps you intend to take and a timeframe for their implementation. If no please explain why.

Yes. If there is room for discretionary spending in the NIGC budget, I will use the opportunity to consult with staff and stakeholders to discuss administrative and program priorities and attempt to distribute the funds according to highest and best use, while ensuring no fraud and abuse occurs in the process.

G. FINANCIAL DATA

[Information not released to the public.]

The CHAIRMAN. Thank you very much.

I will defer to the Senator from Minnesota, Senator Smith.

Senator SMITH. Thank you very much, Senator Schatz. That is very kind of you. Thank you again, Ms. Kunesh, for being with us today.

I appreciate your opening statement and also the ways in which the Chair and Vice Chair highlighted some of the opportunities as well as some of the risks around Indian gaming. You have a unique perspective, having been engaged in this for quite a long time.

Let me just dive in a bit on what you identified as your sort of second priority, which is to minimize the risks of the new technology. Could you talk a bit about how you see that from the perspective of cybersecurity and also artificial intelligence? With cybersecurity, one of the most pressing issues in gaming today, tribes are in the difficult position of trying to react to existing threats and also prepare for new, emerging threats.

So could you talk a bit about the state of play as you see it around cybersecurity issues in tribal gaming, and what actions you would recommend we should be thinking about as we address this challenge?

Ms. KUNESH. Thank you for that really important question, Senator. I do see that technology has completely changed the way that the games are being played, literally, with online gaming, sports betting, the platforms on which we actually handle gaming. Handheld digital devices as well as remote gaming.

With new technologies, there is an urgent need that the NIGC stay ahead of the technology with its regulations. By that, I see the need to really look into a strong view of what risks are occurring around the safety and security of gaming. I think that is one of the most important responsibilities of the NIGC.

We know that in just a few decades, online gaming has surged in both popularity and profitability. Along with online gaming comes new platforms for financial engagement and financial transactions. So tribes, tribal gaming operations are now holding vast amounts of data, personal, sensitive information on their customers, but also responsible for ensuring the security of financial transactions.

So if confirmed for this position, I think it would be one of my top concerns, my top priorities, to do an assessment of NIGC to evaluate their technology infrastructure, their technology work and programs, to make sure that a full risk assessment is done to identify any weaknesses.

We know also with the \$41.9 billion, as Senator Murkowski mentioned, that gaming profitability is increasing. That also weighs on a significant responsibility to make sure that the gaming industry, which has now become a financial industry, is safe and secure. In my experience working at the Federal Reserve Bank of Minneapolis, cybersecurity was their number one concern, and investments were ever-increasing, not just in terms of financial investments, but the infrastructure around ensuring the systems are safe, secure, and reliable.

And we do know that reputation is everything in this industry. So any breach would cause tremendous damage. So I take that very seriously, and it would be a top priority for me.

Senator SMITH. Thank you. Could you also address, when we met last week, I think it was last week we talked a bit about the impact, potential impacts, of artificial intelligence in gaming. Could you address that as well in the little bit of time that we have left?

Ms. KUNESH. Yes, certainly. Artificial intelligence is changing everything that we do in terms of our engagement and the artificial ways that, not that I understand it completely, but the technology within our AI is really changing the way we engage in acquiring that knowledge, pulling us further and further into certain behaviors.

But it is also changing the way that we do business. We can use it in a smart way, learning to do things more efficiently, more uniformly, more standardized. We can also use artificial intelligence to analyze data, and data analytics is an incredible tool to understanding the risks on the other side of the gaming industry.

So I think that the regulatory standards around technology generally, online gaming, AI, really need to be a strong focus of the NIGC.

Senator SMITH. Thank you very much. Thank you, Mr. Chairman.

The CHAIRMAN. Vice Chair Murkowski?

Senator MURKOWSKI. Thank you, Mr. Chairman.

Ms. Kunesh, thank you for responding to that question about cyber security. I think that overlays over so much of what we are discussing when we are talking about the threats to gaming.

But I think we recognize that while the primary influence of NIGC is to ensure the integrity of Indian gaming, it is also to protect it from criminal influence. As I suggested in my opening comments, I worry about those who have been targeted for human and sex trafficking. Unfortunately, tribal and non-tribal casinos have been known to be targeted for that.

The Not Invisible Commission that Senator Cortez Masto and I worked on recommended addressing this through awareness and targeted prevention at casinos. I do understand that NIGC partners with tribes, BIA and DHS on initiatives like the Blue Campaign toolbox that educates the tribal casino and hotel managers on how you spot and then how you report suspected human trafficking at their establishments.

Can you speak a little bit to this issue, and whether you think there are other initiatives that NIGC could look to on this issue of human trafficking and the challenges? Also, whether there is more that the partner agencies can be doing to address these issues. Unfortunately, those of us on the Committee here know that our Native populations are at far too high a risk when it comes to being potential victims of trafficking and human abuse.

Ms. KUNESH. Thank you for that question, Senator. I do know that you have been a real champion in this space as well. It has made a difference.

In my experience, having worked in this space for quite a while, human trafficking, missing and murdered indigenous women, violence against women, are some of the worst scourges in Indian Country today. Unfortunately, Native women, Native people tend to be the most vulnerable and susceptible to these terrible situations.

I take the responsibility to prevent violence against women and addressing MMIP issues very seriously. In my current role as ANA Commissioner, I serve on the Not Invisible Act Commission. I was part of the hearings; I was also part of the drafting of the report and recommendations.

Very specifically, we targeted my agency, the Administration for Children and Families, with more than 100 recommendations to focus on these areas to intervene and prevent, to take action and then to support the survivors and the victims with appropriate services.

So if I were confirmed for this position, I would like to build on the work of NIGC to strengthen the focus of their activities in this area. It is part of the NIGC's overall public safety responsibility to ensure that the gaming premises are safe and secure. That means safe and secure from illegal activity like human trafficking.

I did ask a colleague of mine who oversees the Office of Trafficking in Persons at ACF about what we know about the intersection of human trafficking and gaming. There is not much data on it, unfortunately. I think that is one area that I would like to focus on, is understanding that data better between DHS and DOJ, and

the work that we do on the ground at ACF, to really understand what the magnitude or the prevalence is.

Senator MURKOWSKI. Let me ask you, and I know you have to get confirmed before you can do any or all of this, but I appreciate what you have just said there with these data gaps. That was one of the things that we learned very, very clearly in the work that we did together on the Not Invisible, so much of the challenge that we faced is that we didn't know what we didn't know. When it came to murdered, missing and indigenous, it was actually the report out of Canada that first precipitated the investigation by the Seattle Indian Health Board.

But we have learned a lot since then about these gaps in data. So if you are confirmed, I would hope that you not only would commit to trying to understanding a little bit more about these gaps, but then reporting back to the Committee with us on that to see if there isn't more that we need to be doing from a legislative response.

I think this is an issue we need to know more about, to know the extent of the issue, and if there are different avenues we can work to address it. So I look forward to that.

Ms. KUNESH. Absolutely, Senator. I would very much appreciate the opportunity to look at this and to work with you and report back to the full Committee.

Senator MURKOWSKI. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Vice Chair Murkowski.

A couple of my questions were taken, so I am going to go in a slightly different direction. Good discussion about cybersecurity and hardening the defenses of gaming operations, I get all of that.

I guess I am wondering whether, bluntly, my intuition is that now that gambling is ubiquitous, that there may be small casinos that end up having difficulty staying afloat on the brick and mortar side. I want to talk about the long term fiscal risks for tribal governments. I get that there has been a spike, because everyone has been gambling more. But I also think that that could sort in a way that consolidates to the big dogs and away from some tribal governments who are doing apps and all the rest.

So I think they are surviving, and even thriving now. But to me, the long-term trajectory, to the extent that you have your destinations like Las Vegas and a few other spots, and my understanding is a lot of their revenue is now non-gaming revenue and it is sort of an experience.

But the idea that you would fly into—I am not going to name the town—but you would fly into a city, you have a conference, and then you go on Google and find the nearest casino, which is likely to be on reservation land, I am not sure that the market is going to stay the same. I am quite worried about that. I am wondering whether my intuition is wrong, or whether we know the answer to that.

Ms. KUNESH. Chairman Schatz, I think your intuition is spot on. I think it is something that we really need to take a look at, because gaming revenue is so vitally important to tribes and to tribal economies for those essential services.

My understanding is that the changes in technology are making gaming, as you said, more ubiquitous. But the interaction really is

a very important component as well, not only where it is done, but how it is done. I should say how it is done and where it is done.

My understanding of the range of new gaming formats like sports betting is also opening up opportunities for smaller tribes who may be in remote locations to be able to participate and diversify their gaming operations. Of course, that depends on the State law in the State in which the tribe is located.

I also see that in gaming, it itself has to diversify in terms of the human experience, the brick and mortar facilities. It is a destination, as you mentioned, and customers go there for relaxation, entertainment and so forth. So as much as it is becoming popular and profitable from an NIGC perspective, we want to make sure that across the board, the tribes are well-regulated in whatever form of gaming they do.

The CHAIRMAN. So I know you are the regulator, and not the promoter. But I am wondering whether you consider it an appropriate function for the agency that you will lead to kind of do a market analysis. I am not persuaded—it is not that I am disagreeing with you, I am just not sure we know.

I think there are certainly States that a competitive advantage that a tribe may have is as simple as, it is the only place it is legal, right? And it is legal pretty much everywhere now, at least using your iPhone.

To me, I am a little more worried than others about what this is going to mean over the long term. If it is not your agency, then let's get our heads together and figure out who can do some analysis and figure out, is there a path forward to increased profitability and more scale, because the internet is going to make this available to everybody, and tribes are well-positioned? That is the optimist scenario.

There is another scenario where, as I said, private equity says, we are going to consolidate this darned thing, we are going to have the best app, the cheapest app, the lowest percentages that we take off the top. And we are just going to get to scale, and anyone who wants to do sports betting is going to use the app that is in the app store that is the easiest and most commonly found, and not go to a tribal app.

So I am worried. I am not sure anyone else is worried. So I hope I am wrong. I don't mind being wrong on this one. But let's do some analysis and get some smart people who understand the industry in the room to figure out whether we are about to fall off a cliff as it relates to gaming revenue.

Ms. KUNESH. I definitely agree, market analysis is appropriate and likely necessary to really understand where this is going in the next few years. One of the things that the NIGC does do is provide training and technical assistance. So to the extent this new technology is changing dramatically the state of gaming, I think there would be some discourse and dialogue about what the impact means.

The CHAIRMAN. Okay. I would encourage anybody who is watching this, if I have it wrong, just email my staff and I will be happy to read it.

[Laughter.]

The CHAIRMAN. Senator Hoeven?

**STATEMENT OF HON. JOHN HOEVEN,
U.S. SENATOR FROM NORTH DAKOTA**

Senator HOEVEN. Thanks for being here today, thanks for coming by and visiting with me yesterday. I appreciate it very much.

As Senator Smith said, it is good to have you coming from our part of the world. We appreciate that very well, with your ties to North Dakota, South Dakota and Minnesota.

A couple of questions. What would be your priorities, if confirmed? What is your one, two, three priorities?

Ms. KUNESH. Number one would be getting in and taking a look at the staff and the resources the NIGC has. I understand there are about 130 employees that oversee this almost \$42 billion industry, working very closely with over 6,000 tribal regulators as well. So I really want to get an understanding of how the organization is situated and resourced.

Number two, I would really want to take a look at the state of the regulations. We recently had new regulations promulgated that added online gaming options to the tribal gaming operations. I would really want to know how those are being implemented and any impact from those new regulations.

And third, I would really want to take a look at the public safety areas that we talked about earlier, the work that NIGC is doing around human trafficking awareness and prevention, looking at the partners that we have and determining if we can do more and how do we actually really delve into that area, leaning hard.

Senator HOEVEN. You mentioned 6,000 tribal regulators. What is your thought in terms of building some kind of connection or rapport with them?

Ms. KUNESH. Pardon me?

Senator HOEVEN. You mentioned 6,000 tribal regulators in the industry. How do you build some kind of relationship or rapport there with so many?

Ms. KUNESH. The way I see it, in my experience as being in-house counsel with the Mashantucket Pequot Tribe, the tribal regulators are on the ground, at the forefront. They are the primary regulators of their gaming operations. They are essential to ensuring the integrity of the operation and ensuring that the tribe are the primary beneficiaries of the gaming revenue.

So the NIGC is a Federal regulator with the oversight audit investigation authority. I do see it as a partner. We need to make sure that with the 527 gaming operations that again, we have sufficient resources and are properly enforcing the gaming ordinances. But I do see it as a partnership and a necessary alliance to make sure that what is happening on the ground comports with the regulations.

Senator HOEVEN. I think the artificial intelligence issue was brought up by some of the Committee members earlier, and you referenced it as well. NIGC has a policy regarding AI.

Have you had a chance to look at that? How would you approach that AI issue, both in terms of what they have done, and if you haven't had a chance to look at that yet, it might be hard to differentiate. But that is a big issue, it is a tough issue. It is complicated. How are you going to approach it?

Ms. KUNESH. Thank you for that question. I am not at the NIGC, so I am not aware of how they are approaching AI. But from my experience, again, going back to the Minneapolis Federal Reserve and the work that we are doing in the Federal Government, where AI is coming into every facet, every component, every function of what we do, we need to know what it is, how it works, and to make sure there are human safeguards around whatever product comes of it.

It can do really well in a lot of ways. But the margin of error, because it is artificial, I think is pretty great. How we use it and apply it, I think we need to know that there are safeguards in place.

Senator HOEVEN. If somebody asked you, are you in favor of expanding Indian gaming or not expanding it, I understand your role is as regulator, but how do you answer that? How do you address that? It is a very dynamic environment, right?

Ms. KUNESH. It is a very dynamic environment.

Senator HOEVEN. That is the challenge right now, figuring that out.

Ms. KUNESH. Thank you for that, Senator. It is a very dynamic environment, and I go back and think about the Indian Gaming Regulatory Act, which provided, I thought, a very, very good framework and blueprint for addressing any sort of functions of gaming. Surprisingly well, it has folded in online gaming, digital gaming, and sports betting.

So I haven't done any sort of full assessment of the Act. But what I have seen, what I have a sense of is that it is working well.

What I would be committed to, Senator, is understanding, again, the dynamics and the pressures and tensions on the law, and working with you and this Committee to see if there need to be any legislative changes going forward.

Senator HOEVEN. Thank you.

The CHAIRMAN. Before I turn to the senior Senator from Nevada, I just wanted to compliment her and Senator Rosen on their work on both the Tribal Law Enforcement Act and this Bureau of Justice issue that we are having, not just in Nevada, but a couple of other States. We are not done yet, but we are making good progress, and I really appreciate your leadership.

Senator Cortez Masto.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you. Thank you to the Chair as well for the help you have provided us in addressing this issue in Nevada.

It is great to see you. Thanks for visiting with me. Congratulations on your nomination.

Ms. KUNESH. Thank you.

Senator CORTEZ MASTO. There is no doubt: I think you are well qualified, based on your background and the conversations we have, particularly around Nevada. So as somebody who was born and raised and actually worked with the attorney who represented our gaming control board and gaming commission, I have an appre-

ciation for the work you are going to be doing. So I thank you for taking this on.

My first question, though, goes back to what Senator Hoeven talked about. In Nevada, having a gaming license is a privilege. With that privilege comes background investigation and auditing. We have a gaming control board and a gaming commission. The commission does the licensing, the control board does the auditing.

You are doing both. And you have a small staff. In Nevada, our auditors, there are probably about, right now in the gaming control board, last time I looked, 98 in total, and there are 144 casinos.

What you just talked about, and correct me if I am wrong, you have a total of 121 full-time employees and you are covering over 500 tribally owned casinos. That is a big task, not just the licensing piece of it and the background checks, but the auditing, which is what we want to maintain the integrity of the Indian gaming industry.

I would hope as you get there that you will come back and talk to us if you need more resources. This is key as we are moving into the conversation that we just talked about around sports betting, online betting, sports wagering. These are new areas, even for Nevada as we go into some of the online gaming, things that we are learning and our commissions are actively engaged in.

As you continue to move through this process, please come back to us and talk to us about the needs that you have, okay?

Ms. KUNESH. Absolutely. And thank you for raising that, Senator Cortez Masto. I do believe the resources at NIGC are absolutely critical, again, to ensuring the integrity, safeguarding the public safety and so forth. It is my commitment, one of my top priorities, to really assess the need for additional staffing.

One of the brilliant things that the NIGC can do is raise fees on a scale of more profitability, a little more funds for the NIGC, to pay for increased needs of the gaming commission. With increased responsibilities and the dynamic gaming environment, that may be needed. But I will definitely come back and share with you my findings and work with you in case there are any changes needed.

Senator CORTEZ MASTO. Thank you.

And if you would talk about, we see the benefits, obviously, you and I have talked about the benefits to our tribal communities across the Country, about having the opportunity to operate casinos and the revenue it brings into those communities and the benefit it provides. Part of your mandate on the gaming commission really is to also help drive that economic development, find that balance, correct?

Can you talk about why this is so important?

Ms. KUNESH. It is definitely important, and one, tribes are the primary beneficiaries of the gaming revenue. But also that tribes are also able to use those funds to support essential governmental services. In my experience, again, going back to working with the Pequot Tribe and other tribes, these funds help support early childhood development programs, elder care services, educational scholarships. They support the infrastructure of the tribe itself to give it the backbone to be able to function as a tribe, to exercise its tribal sovereignty.

One of the most, I think, important demonstrations of tribal sovereignty are the tribal courts. With the increase in gaming and the growth of gaming, for example, at the Pequot Tribe, we saw a really fundamental infrastructure develop around its judicial system. That supported not only the customers and patrons and employees of the gaming enterprise, it provided a judicial system for the tribal members themselves.

Senator CORTEZ MASTO. Yes. It has made such a difference, I have seen, across the Country.

I am going to end with this. I agree with Senator Murkowski, the more information and data and education we can bring to our casinos and these types of establishments around human trafficking and the prevention of human trafficking and helping victims of human trafficking, I am all for it. I know you were on the commission, and I thank you for your work there.

That is why I am pleased that you are going to carry that with you into this new position as well. It is key for us to really gather the data to have an understanding of the education piece of that. Everybody has a role to play, including our operators.

So if there is an opportunity to continue that work where you are in this new position, we look forward to working with you.

Ms. KUNESH. Thank you. I definitely support that, also I thank the Senate Committee for its work on law enforcement and public safety as well. Jurisdiction in Indian Country is very complex, and we do need more tribal law enforcement, and we do need coordination with DOJ and DHS when needed, and local law enforcement as well.

So it is an all-of-government approach to ensure that reservations and Native people and the patrons of these facilities are safe and secure and protected as well.

Senator CORTEZ MASTO. Thank you.

The CHAIRMAN. Thank you. If there are no more questions from our members for the nominee, members may also submit follow-up written questions for the record. If we can do that promptly, that would be excellent.

I would ask the nominee to respond fully and promptly to any follow-up questions, especially if you want to be confirmed quickly. And also to meet with any remaining Committee members who may wish to meet with you.

The hearing record will be open for one week. We want to thank you for your time and your testimony today. This hearing is adjourned.

[Whereupon, at 11:02 a.m., the hearing was adjourned.]

A P P E N D I X

NAFOA, NATIVE AMERICAN FINANCE OFFICERS ASSOCIATION
August 06, 2024

Hon. Brian Schatz, Chairman;
Hon. Lisa Murkowski Vice Chair,
Senate Indian Affairs Committee,
Hart Senate Office Building,
Washington, DC.

Dear Chairman Schatz and Vice Chair Murkowski,

On behalf of the NAFOA, founded as the Native American Finance Officers Association, I am writing to express our strong support for Patrice H. Kunesh's nomination as Chair of the National Indian Gaming Commission (NIGC).

Ms. Kunesh, a descendant of the Standing Rock Sioux Tribe, has demonstrated exceptional leadership and unwavering dedication to tribal communities throughout her distinguished career. Her current role as Commissioner of the Administration for Native Americans (ANA) and her previous roles—notably, as Deputy Solicitor at the U.S. Department of the Interior and founding Director of the Center for Indian Country Development at the Federal Reserve Bank of Minneapolis—underscore her profound expertise and commitment to tribal issues.

Ms. Kunesh's extensive experience and leadership make her an ideal candidate to lead the NIGC. Her track record of enhancing tribal governance, advancing economic development, and providing increased support for Native programs speaks to her ability to effectively oversee and guide the Commission's work over the next three years.

We urge you and your fellow Committee members to swiftly confirm Ms. Kunesh's nomination. Her unparalleled qualifications and steadfast commitment to our communities make her exceptionally well-suited for this critical role.

Thank you for your prompt attention to this important matter.

Sincerely,
HON. RODNEY BUTLER, CHAIRMAN, MASHANTUCKET PEQUOT TRIBAL NATION;
NAFOA BOARD PRESIDENT

MILLE LACS BAND OF OJIBWE INDIANS
August 08, 2024

Hon. Brian Schatz, Chairman;
Hon. Lisa Murkowski Vice Chair,
Senate Indian Affairs Committee,
Hart Senate Office Building,
Washington, DC.

Dear Chairman Schatz and Vice Chair Murkowski,

On behalf of the Mille Lacs Band of Ojibwe, I am writing to express our unequivocal and strong support for Patrice H. Kunesh's nomination as Chair of the National Indian Gaming Commission (NIGC). The Band celebrates this nomination as another indication of this Administration's commitment to better delivering upon trust and treaty obligations, and enhancing our diplomatic, Nation-to-Nation relationship.

A descendant of the Standing Rock Sioux Tribe, Ms. Kunesh has dedicated her career to the development of Tribal economies and the advancement of our inherent sovereignty. Previously, Ms. Kunesh established and led the Center for Indian Country Development at the Federal Reserve Bank of Minneapolis, an economic policy research center dedicated to Indian Country issues. She has also held appointments as the Deputy Under Secretary for Rural Development at the U.S. Department of Agriculture and as the Deputy Solicitor for Indian Affairs at the Department of the Interior. In addition, she has served as in-house counsel to the

Mashantucket Pequot Tribal Nation, and on the faculty at the University of South Dakota School of Law.

As her distinguished career demonstrates, Ms. Kunesh is a well-known advocate for the rebuilding of Tribal Nations and our economies. Her depth of experience and commitment to leadership in addressing Tribal concerns and issues makes Ms. Kunesh exceptionally prepared to serve as the next Chair of the NIGC.

We call upon the United States Senate to act swiftly on Ms. Kunesh's confirmation in accordance with its responsibility to honor its trust and treaty obligations to Tribal Nations. Therefore, we respectfully urge you to work with your colleagues in the United States Senate to swiftly confirm Ms. Kunesh's nomination as Chair of NIGC.

Thank you for your consideration and attention to this important matter.

Sincerely,

HON. VIRGIL WIND, CHIEF EXECUTIVE, MILLE LACS BAND OF OJIBWE

RINCON BAND OF LUISEÑO INDIANS
August 09, 2024

Hon. Brian Schatz, Chairman;
Hon. Lisa Murkowski Vice Chair,
Senate Indian Affairs Committee,
Hart Senate Office Building,
Washington, DC.

Dear Chairman Schatz and Vice Chair Murkowski,

On behalf of the Rincon Band of Luiseño Indians (Rincon Band), I am writing to express our strong support for Patrice H. Kunesh's nomination as Chair of the National Indian Gaming Commission (NIGC).

The NIGC plays a critical role regulating and supporting Indian gaming as a means of generating revenue for tribal communities. We believe that Ms. Kunesh would provide effective and principled leadership of the Commission.

Ms. Kunesh, a descendant of the Standing Rock Sioux Tribe, has demonstrated exceptional and unwavering dedication to tribal communities throughout her distinguished career. Her current role as Commissioner of the Administration for Native Americans and her previous roles—notably, as Deputy Solicitor at the U.S. Department of the Interior and founding Director of the Center for Indian Country Development at the Federal Reserve Bank of Minneapolis—underscore her profound expertise and commitment to Indian Country.

Ms. Kunesh's extensive experience and leadership make her an ideal candidate to lead the NIGC. Of note, she has significant experience with and understands the important of economic development in Indian Country. For most tribes, including the Rincon Band, Indian gaming has been an essential tool for economic development to sustain our communities, now and far into the future. The Rincon Band is keenly aware of the need for strong leadership at the NIGC. Our Tribe operates Harrah's Resort Southern California, which is the main source of government revenue for our Tribe. While our gaming operation has been very successful, achieving this success has not been easy and we have had to rely on our federal partners, including the NIGC for effective regulatory support and oversight.

When the State of California was unwilling to engage in good faith compact negotiations with our Tribe, we were forced to seek Class III procedures from the Interior Department. More recently, the State was unwilling to cooperate in providing regulatory oversight under those procedures, so we negotiated a first-of-its-kind regulatory agreement with the NIGC in 2023. Under that agreement, all regulatory oversight for the Tribe's Class III gaming is provided by the NIGC instead of the State. This sort of arrangement would not be possible without strong leadership at the NIGC. Our Tribe firmly believes that Ms. Kunesh has the experience, judgment and temperament to continue to make the regulatory relationship with our Tribe a success.

We urge you and your fellow members of the Senate to swiftly confirm Ms. Kunesh's nomination. Her unparalleled qualifications and steadfast commitment to our communities make her exceptionally well-suited for this critical role.

Thank you for your prompt attention to this important matter.

Sincerely yours,

HON. BO MAZZETTI, TRIBAL CHAIRMAN

TOLOWA DEE-NI' NATION
August 09, 2024

Hon. Brian Schatz, Chairman;
Senate Indian Affairs Committee,
Hart Senate Office Building,
Washington, DC.

RE: SUPPORT FOR SWIFT CONFIRMATION OF PATRICE KUNESH AS NIGC
CHAIRWOMAN

Dv-laa-ha—Chairman Schatz,

On behalf of the Tolowa Dee-ni' Nation, I am writing to strongly endorse Patrice Kunesh for the position of Chairwoman of the National Indian Gaming Commission (NIGC). Ms. Kunesh is an exceptionally qualified nominee, whose deep understanding of tribal sovereignty and extensive experience make her an outstanding candidate for this critical role.

The relationship between Tribal Governments and the federal government is both unique and significant, grounded in treaties and legal commitments that must be honored. The NIGC plays an essential role in ensuring that tribal gaming is conducted with integrity and compliance with federal laws, while also promoting economic development and self-reliance within tribal communities. Effective leadership at the NIGC is crucial to protecting and advancing the interests of Tribal Governments and their citizens.

Ms. Kunesh has dedicated her distinguished career to advocating for Native American rights and interests. Her legal expertise and unwavering commitment to tribal sovereignty and community well-being are evident in her work. In her current role as Commissioner for the Administration for Native Americans within the U.S. Department of Health and Human Services, where she also serves as Deputy Assistant Secretary for Native Affairs and Chair of the HHS Intradepartmental Council on Native American Affairs, Ms. Kunesh has acquired invaluable experience that will serve her well as Chairwoman of the NIGC.

Ms. Kunesh' appointment would bring a wealth of expertise and deep commitment to advancing the principles of tribal sovereignty and self-governance. Under her leadership the NIGC will continue to be a strong and effective partner to Tribal Governments, strengthening government-to-government relationships between the United States and Tribal Nations. Moreover, her prompt confirmation is vital for the stability and growth of the tribal gaming sector, which is instrumental in supporting the economic and social well-being of Tribal Nations nationwide. Any delay in her confirmation could hinder the Commission's ability to operate at its full potential, affecting the regulation and oversight essential to safeguarding tribal interests.

The Tolowa Dee-ni' Nation urges the Senate to move swiftly with the confirmation of Patrice Kunesh as Chairwoman of the NIGC. Her leadership is essential to the continued success and effectiveness of the NIGC, and we respectfully request your support for her confirmation.

Shu' shaa nin-la, for your consideration.

Sincerely,

HON. JERI LYNN THOMPSON, CHAIRPERSON

MATCH-E-B-NASH-SHE-WISH BAND OF POTTAWATOMI INDIANS
August 14, 2024

Hon. Brian Schatz, Chairman;
Senate Indian Affairs Committee,
Hart Senate Office Building,
Washington, DC.

RE: SENATE CONFIRMATION OF NIGC CHAIRWOMAN NOMINEE PATRICE
KUNESH

Dear Chairman Schatz,

On behalf of the Match-E-B-Nash-She-Wish Band of Pottawatomi Indians, I am writing to express our strong endorsement of Patrice Kunesh for the role of Chairwoman of the National Indian Gaming Commission (NIGC) and support for her swift confirmation by the Senate. Ms. Kunesh is a highly qualified nominee, whose profound understanding of tribal sovereignty, coupled with her extensive experience, makes her an outstanding candidate for this crucial position.

Ms. Kunesh has dedicated her career to serving Indian Country, with a proven record of accomplishment of advocating for the rights and interests of tribes. Her legal expertise and deep understanding of the unique challenges facing tribal governments make her an excellent choice to lead the NIGC. Her previous roles, including her time as Deputy Under Secretary for Rural Development at the U.S. Department of Agriculture and Assistant General Counsel at the Department of the Interior, highlight her commitment to public service and her respect for tribal sovereignty.

The NIGC plays a critical role in ensuring that Indian gaming operations are conducted fairly, securely, and with integrity. Given the significant challenges currently facing Indian Country, particularly in protecting and expanding the economic benefits of gaming, the confirmation of Ms. Kunesh as NIGC Chairperson is more important than ever. Her extensive experience working directly with tribes, coupled with her leadership within the federal government, uniquely positions her to balance necessary federal oversight with respect for tribal self-determination.

Ms. Kunesh's appointment will bring invaluable expertise and a deep commitment to upholding and advancing the principles of tribal sovereignty and self-governance. Her leadership at the NIGC would not only ensure the Commission's continued effectiveness but also strengthen the government-to-government relationships between the United States and Tribal Nations. Moreover, her timely confirmation is crucial for the ongoing stability and growth of the tribal gaming sector, which is instrumental in supporting the economic and social fabric of Tribal Nations across the country. Any delay in her confirmation could hinder the Commission's ability to operate at its full potential, thereby impacting the regulation and oversight necessary to safeguard tribal interests.

We strongly urge the Senate to proceed swiftly with the confirmation of Patrice Kunesh as Chairwoman of the NIGC. Her leadership is crucial for the NIGC and will undoubtedly be of great benefit to all of Indian Country.

We appreciate your consideration and respectfully request you and the Senate Committee on Indian Affairs support for her confirmation.

Sincerely,

HON. LEONARD "BOB" PETERS, TRIBAL CHAIRMAN

SHAKOPEE MDEWAKANTON SIOUX COMMUNITY
August 19, 2024

Hon. Brian Schatz, Chairman;
Hon. Lisa Murkowski Vice Chair,
Senate Indian Affairs Committee,
Hart Senate Office Building,
Washington, DC.

RE: LETTER OF SUPPORT FOR PATRICE KUNESH'S NOMINATION AS CHAIR OF
NIGC

Dear Chairman Schatz and Vice Chair Murkowski,

On behalf of the Shakopee Mdewakanton Sioux Community (SMSC), we are writing to express support for Patrice H. Kunesh's nomination for Chair of the National Indian Gaming Commission (NIGC).

The SMSC is a federally recognized sovereign Native American tribe located in Minnesota. Tribal gaming remains critical among enterprises supporting our Community and other tribes bounded by the state of Minnesota. The economic opportunity it provides us is essential to protecting our interests. As such, the U.S. Senate's decision on NIGC leadership is of great importance to our people.

The SMSC fully endorses President Biden's nomination of Patrice H. Kunesh and respectfully supports her confirmation in the Senate. Throughout her career, Ms. Kunesh has maintained an outstanding commitment to protecting tribal sovereignty, including her establishment of the Center for Indian Country Development at the Federal Reserve. Her support for tribal issues and advocacy for economic development in Indian Country make her well suited for this role.

Thank you for your consideration of Ms. Kunesh for NIGC Chair. On behalf of the SMSC, I respectfully encourage her swift confirmation to support the continued success of our strong relationship with the NIGC.

Sincerely,

HON. COLE W. MILLER, TRIBAL CHAIRMAN
HON. NATASHA HACKER, VICE-CHAIRWOMAN
ASHLEY COMFORTH, SECRETARY TREASURER

CALISTA CORPORATION
September 4, 2024

Hon. Brian Schatz, Chairman;
Hon. Lisa Murkowski Vice Chair,
Senate Indian Affairs Committee,
Hart Senate Office Building,
Washington, DC.

Dear Chairman Schatz and Vice Chair Murkowski,

On behalf of Calista Corporation, I am writing to express our strong support for Patrice H. Kunesh's nomination as Chair of the National Indian Gaming Commission (NIGC).

Ms. Kunesh, a descendant of the Standing Rock Sioux Tribe, has demonstrated exceptional leadership and unwavering dedication to tribal communities throughout her distinguished career. Her current role as Commissioner of the Administration for Native Americans (ANA) and her previous roles—notably, as Deputy Solicitor at the U.S. Department of the Interior and founding Director of the Center for Indian Country Development at the Federal Reserve Bank of Minneapolis—underscore her profound expertise and commitment to tribal issues.

Ms. Kunesh's extensive experience and leadership make her an ideal candidate to lead the NIGC. Her track record of enhancing tribal governance, advancing economic development, and providing increased support for Native programs speaks to her ability to effectively oversee and guide the Commission's work over the next three years.

We urge you and your fellow members of the Senate to swiftly confirm Ms. Kunesh's nomination. Her unparalleled qualifications and steadfast commitment to our communities make her exceptionally well-suited for this critical role.

Thank you for your prompt attention to this important matter.

Sincerely,

ANDREW GUY, PRESIDENT/CEO

CENTRAL COUNCIL OF THE TLINGIT & HAIDA INDIAN TRIBES OF ALASKA
September 16, 2024

Hon. Brian Schatz, Chairman;
Hon. Lisa Murkowski Vice Chair,
Senate Indian Affairs Committee,
Hart Senate Office Building,
Washington, DC.

Dear Chairman Schatz and Vice Chair Murkowski,

On behalf of the Central Council of Tlingit & Haida Indian Tribes of Alaska, I am writing to express our strong support for Patrice H. Kunesh's nomination as Chair of the National Indian Gaming Commission (NIGC). Tlingit & Haida celebrates this nomination as another indication of this Administration's commitment to better delivering upon trust and treaty obligations, and enhancing our diplomatic, Nation-to-Nation relationship.

A descendant of the Standing Rock Sioux Tribe, Ms. Kunesh has dedicated her career to the development of Tribal economies and the advancement of our inherent sovereignty. Previously, Ms. Kunesh established and led the Center for Indian Country Development at the Federal Reserve Bank of Minneapolis, an economic policy research center dedicated to Indian Country issues. She has also held appointments as the Deputy Under Secretary for Rural Development at the U.S. Department of Agriculture and as the Deputy Solicitor for Indian Affairs at the Department of the Interior. In addition, she has served as in-house counsel to the Mashantucket Pequot Tribal Nation, and on the faculty at the University of South Dakota School of Law.

As her distinguished career demonstrates, Ms. Kunesh is a well-known advocate for the rebuilding of Tribal Nations and our economies. Her depth of experience and commitment to leadership in addressing Tribal concerns and issues makes Ms. Kunesh exceptionally prepared to serve as the next Chair of the NIGC.

We call upon the United States Senate to act swiftly on Ms. Kunesh's confirmation in accordance with its responsibility to honor its trust and treaty obligations

to Tribal Nations. Therefore, we respectfully urge you to work with your colleagues in the United States Senate to swiftly confirm Ms. Kunesh's nomination as Chair of NIGC.

Gunalchéesh, Háw'aa thank you again for your consideration.

Sincerely,

HON. RICHARD J. PETERSON, PRESIDENT

NATIONAL CONGRESS OF AMERICAN INDIANS (NCAI)
August 7, 2024

NCAI SUPPORTS PRESIDENT BIDEN'S NOMINATION OF PATRICE KUNESH AS
CHAIR OF THE NATIONAL INDIAN GAMING COMMISSION

The National Congress of American Indians (NCAI) applauds President Biden's nomination of Patrice H. Kunesh as the Chair of the National Indian Gaming Commission (NIGC).

Kunesh, who is of Standing Rock Lakota descent, has demonstrated unwavering dedication to public service and a profound commitment to advancing the interests and well-being of Tribal Nations and communities.

Patrice Kunesh brings an extensive background in tribal, state, and federal service. Currently, she serves as the Deputy Assistant Secretary for Native American Affairs and as the Commissioner of the Administration for Native Americans within the Administration for Children and Families in the U.S. Department of Health and Human Services (HHS). Her career includes significant contributions to the Native American Rights Fund (NARF), the Mashantucket Pequot Tribal Nation, and in academia as a faculty member at the University of South Dakota School of Law.

Kunesh's experience is further highlighted by her roles as the Deputy Under the Secretary for Rural Development in the U.S. Department of Agriculture, Deputy Solicitor for Indian Affairs at the U.S. Department of the Interior, and as a member of the U.S. Treasury Community Development Advisory Board (CDFI Fund) representing Native communities. She also established the Center for Indian Country Development at the Federal Reserve Bank of Minneapolis and founded Peñiŋ Haha Consulting, a social enterprise dedicated to promoting culturally centered Native economic development.

Patrice Kunesh's confirmation as Chair of the National Indian Gaming Commission will mark a significant step forward in strengthening the governance and oversight of Indian gaming, fostering economic development, and enhancing the sovereignty and self-determination of Tribal Nations.

COALITION OF LARGE TRIBES
August 30, 2024

Dear Chairman Schatz and Vice Chair Murkowski,

On behalf of the Coalition of Large Tribes, an intertribal organization representing the interests of the more than 50 tribes with reservations of 100,000 acres or more, encompassing more than 95 percent of the Indian Country lands and more than half the Native American population, I am writing to express our strong support for Patrice H. Kunesh's nomination as Chair of the National Indian Gaming Commission (NIGC).

Ms. Kunesh, a descendant of the Standing Rock Sioux Tribe, has demonstrated exceptional leadership and unwavering dedication to tribal communities throughout her distinguished career. Her current role as Commissioner of the Administration for Native Americans (ANA) and her previous roles-notably, as Deputy Solicitor at the U.S. Department of the Interior and founding Director of the Center for Indian

Country Development at the Federal Reserve Bank of Minneapolis—underscore her profound expertise and commitment to tribal issues.

Ms. Kunesh's extensive experience and leadership make her an ideal candidate to lead the NIGC. Her track record of enhancing tribal governance, advancing economic development, and providing increased support for Native programs speaks to her ability to effectively oversee and guide the Commission's work over the next three years. In addition, she is a devoted public servant having committed herself to work for American Indians, Alaska Natives and Native Hawaiians throughout her career.

We urge you and your fellow members of the Senate to swiftly confirm Ms. Kunesh's nomination. Her unparalleled qualifications and steadfast commitment to our communities make her exceptionally well-suited for this critical role.

Thank you for your prompt attention to this important matter.

Sincerely,

HON. MARVIN WEATHERWAX, CHAIRMAN

MINNESOTA INDIAN AFFAIRS COUNCIL
August 14, 2024

Honorable Senators,

The Minnesota Indian Affairs Council is writing in support of the nomination of Patrice Kunesh for Commissioner of the National Indian Gaming Commission (NIGC). It is vital that the next NIGC Commissioner have both the educational background and the relationship skills necessary to work with Tribal Nations. Ms. Kunesh, as a skilled attorney, possess' the legal knowledge to guide and lead the complex nature of Native American Gaming. Ms. Kunesh understands how to balance industry with regulation and Native American vitality with federal oversight. A skill rarely found outside of Indian country. As Native American woman, Ms. Kunesh understands that successful Native American gaming industries are unlike non-Native American enterprises, in that, relationships and trust are core principles that must be upheld in all spaces.

Ms. Kunesh understands the impact of these industries on both Native American and Non-Native American communities. For Native American communities—the gaming enterprises play a critical role in preserving sovereignty, Tribal Nation revitalization, self-determination, and economic sustainability. For non-Native American communities—the revenue generated from these enterprises has contributed to many vital services across the nation including education, philanthropy, research, local economies, healthcare, and employment.

It is of great importance that this good work can continue and thrive under the next NIGC commissioner, and we, the Minnesota Indian Affairs Council recommend that the Nomination of Patrice Kunesh be confirmed.

Pidamaya, Thank you,

PRESIDENT ROBERT L. LARSEN, LOWER SIOUX INDIAN COMMUNITY; BOARD
CHAIRMAN
SHANNON GESHICK, EXECUTIVE DIRECTOR

RED LAKE BAND OF CHIPPEWA INDIANS
December 2, 2024

Dear Majority Leader Schumer and Minority Leader McConnell:

On behalf of the Red Lake Band of Chippewa Indians (Red Lake Nation), I am writing to express our strong support for Patrice H. Kunesh's nomination as Chair of the National Indian Gaming Commission (NIGC) and urge you as Majority and Minority Leaders of the U.S. Senate to bring her nomination to the Senate floor as soon as possible.

As a descendant of the Standing Rock-Sioux Tribe, Ms. Kunesh has demonstrated exceptional leadership and unwavering dedication to tribal communities throughout her distinguished career. Her current role as Commissioner of the Administration for Native Americans (ANA) and her previous roles underscore her profound expertise and commitment to tribal issues. Of note, Ms. Kunesh began her legal career at the Native American Rights Fund and served as in-house Counsel for the Mashantucket Pequot Tribal Nation. Ms. Kunesh has also served on the faculty at the University of South Dakota School of Law and held appointments as the Deputy Under Secretary for Rural Development at the U.S. Department of Agriculture, Deputy Solicitor for Indian Affairs at the Department of the Interior, and as a member of the Treasury Community Development Advisory Board (CDFI Fund). She also es-

established the Center for Indian Country Development—an economic policy research initiative at the Federal Reserve Bank of Minneapolis rights here in our home state—and founded Pehirj Haha Consulting, a social enterprise committed to fostering culturally-centered Native economic development.

Ms. Kunesh's extensive experience and leadership make her an ideal candidate to lead the NIGC. We urge you and your fellow members of the Senate to swiftly confirm Ms. Kunesh's nomination in accordance with your trust responsibility to Tribal governments. Her unparalleled qualifications and steadfast commitment to our communities make her exceptionally well-suited for this critical role and we look forward to working with her in this position.

Sincerely,

HON. DARRELL G. SEKI, SR., TRIBAL CHAIRMAN

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN HOEVEN TO
HON. PATRICE H. KUNESH

Question 1. Four years after leaving your position as counsel for the Mashantucket Pequot Tribe of Connecticut, the Tribe's Foxwood's Casino was forced to restructure its debt because of dropping revenues and overextending itself on facility expansion. During your time advising the tribe, how did you protect against the losses that eventually led the tribe to terminate per capita payments to tribal members and the eventual establishment of federal social service programs within a tribal community that at one time was one of the wealthiest tribes in the country?

Answer. During the period following my departure from the Mashantucket Pequot Tribal Nation, the United States suffered a severe economic downturn. Lasting from December 2007 to June 2009, this economic contraction was the longest since World War II, ultimately becoming deep enough and protracted enough to acquire the label "the Great Recession." Most tribal governments with gaming enterprises were impacted significantly during the Great Recession.

The Mashantucket Pequot Tribal Nation has continually pursued opportunities to diversify its economic development, including encouraging private opportunities among its citizens. Economic diversification has many benefits, including resilience, growth, and poverty reduction. This is directly related to tribal economies, which often rely on gaming revenue for essential government services. A diversified economy is better able to withstand external shocks and economic downturns. By avoiding reliance on a single industry sector, diversification can lead to faster economic growth, job creation, and higher incomes, which can help reduce poverty and inequality.

Question 2. During your nomination hearing, you identified cybersecurity as a top priority and testified that you would "do an assessment of NIGC to evaluate their technology infrastructure. . .to make sure a full risk assessment is done to identify any weaknesses." The NIGC currently offers IT vulnerability assessments to any tribes that request assistance. How would your cybersecurity priorities differ from the policies the Commission is currently implementing?

Answer. New technologies have transformed the gaming industry, and as I stated at my hearing, if confirmed as Chair of the NIGC, mitigating the risks resulting from this influx of new technologies will be one of my top priorities. Cybersecurity is critical as tribal gaming operations must now protect a high volume of financial and customer data due to the increased popularity and profitability of online gaming. Plus, as technology is ever evolving, so too is the gaming industry, presenting another challenge to cybersecurity.

IGRA directs the NIGC to participate in training and technical assistance, and I believe that training is important to mitigate cybersecurity risks. While I am not at the NIGC and do not know the specifics of the IT vulnerability assessments that the NIGC offers to Tribes, if confirmed as NIGC Chair, I commit to learning more about the status of these assessments and build on the work that the NIGC has already done in this space to ensure that NIGC provides Tribes with up-to-date specialized training to keep pace with the ever-evolving gaming industry.

Question 3. During your nomination hearing you discussed the idea of raising fees on tribal gaming operations. Can you please explain further the justification or reasoning for the increase, how they would be applied, and will you commit to consulting with tribes before raising fees?

Answer. I believe that securing adequate resources for the NIGC's oversight responsibilities are absolutely critical to ensuring the integrity of Indian gaming, including public health and safety. If confirmed, one of my top priorities will be to assess the need for additional staffing, and if additional resources are warranted,

I commit to working with you and members of this Committee to address those needs. I further commit to ensuring regular and meaningful consultation with Tribes in carrying out the responsibilities of the Commission.

Question 4. I am a co-sponsor of S. 1328—the Tribal Labor Sovereignty Act. This legislation is endorsed by both the National Congress of American Indians and the Indian Gaming Association. TLISA is a simple amendment to the National Labor Relations Act that supports tribal sovereignty by exempting tribal governments, much the same as state and local governments, from being subject to the NLRA. Would you support efforts, like the TLISA, which supports prioritizing tribal laws and regulations over the overburdensome and one size fits all federal approach that the NLRA currently exercises over tribes?

Answer. Promoting tribal sovereignty and economic development is important to me. If I am honored to be confirmed, I will listen to all stakeholders to understand the impacts of legislative efforts such as this, and I look forward to working with you to better understand the details and implications of your legislation. Further, if confirmed, I commit to working with this Committee in a collaborative and transparent way to achieve our mutual goals.

Question 5. With your background focused on expanding economic opportunities in Indian Country and connecting tribes to resources, how do you plan to take on a regulatory role that is tasked with ensuring tribal gaming adheres to the regulatory framework articulated by Congress in the Indian Gaming Regulatory Act?

Answer. Indian gaming is a robust industry that supports reservation economies and contributes to the health and well-being of Native peoples. To maintain this success, I believe it is paramount that the industry is well-regulated and well-positioned for the next era of Indian gaming. Through my previous positions as a law practitioner, a government attorney, and a legal scholar, I have gained extensive knowledge and experience with the laws and regulations concerning Indian gaming, which will serve me well if I am confirmed.

Question 6. You stated during your hearing that your number one priority, if confirmed, would be to first gain an understanding of the role and the inner workings of the current staff. How do you plan to transition into this role without prior experience in the gaming industry?

Answer. Through my previous positions as a law practitioner, a government attorney, and a legal scholar, I have extensive knowledge and experience with the laws and regulations concerning Indian gaming. Whenever I take on a new role, of which I have had many throughout my career, one of the first things that I do is talk to the team. If confirmed, I will do just that, and will work closely with NIGC staff to get up to speed on the inner workings of the NIGC.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BEN RAY LUJÁN TO
HON. PATRICE H. KUNESH

Honorable Patrice Kunesh, I am glad to see your extensive background and experience on issues that are important to Tribal communities around the country. However, one issue that often gets overlooked in discussions about the Commission's role is how we can ensure that gaming facilities are not used to aid and harbor illegal activities such as human trafficking.

Question 1. Ms. Kunesh, how can the Commission work with our Gaming Facilities and Tribal Communities to ensure that they are safe and secure environments for their customers and the surrounding communities?

Answer. This issue is very important to me, and as I stated during my hearing, I have worked to prevent human trafficking and violence against women throughout my career. The NIGC is required by statute to refer criminal matters to the appropriate law enforcement agency, and it has an oversight responsibility to protect the public health and safety at Indian gaming establishments. If confirmed, I would like to build upon the work the NIGC has already done and bring together the various stakeholders, such as the tribal regulatory community and the criminal law enforcement community, to look at targeted issues like human trafficking. That way, the NIGC will continue to promote best practices and be available to help Tribes and tribal policymakers as they determine how to address this issue at the local level in their community.

Question 2. Do you feel that there is more that the Commission can be doing to help address this issue?

Answer. As I mentioned during my hearing, I believe collecting and analyzing data to understand the intersection between human trafficking and gaming is important. If confirmed, I will work with Tribes, law enforcement agencies, other Fed-

eral agencies, Congress, and other stakeholders, as appropriate, to gather this data and use the information to prevent human trafficking.

Question 3. As Chair, do I have your commitment to make this issue a top priority during your term?

Answer. Yes. Preventing human trafficking and violence against women is a responsibility that I take very seriously, and, as I have stated, this will remain a top priority for me if I am confirmed.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARKWAYNE MULLIN TO
HON. PATRICE H. KUNESH

Question 1. The Tribal Labor Sovereignty Act has been introduced in either the U.S. House of Representatives, the U.S. Senate, or both, since the 110th Congress. Do you support this legislation? If so, why? If not, why not?

Answer. Promoting tribal sovereignty and economic development is important to me. If I am confirmed, I will listen to all stakeholders to understand the impacts of efforts such as this, and I look forward to working with you and others to better understand the details and implications of this legislation. Further, if confirmed, I commit to working with members of this Committee in a collaborative and transparent way to achieve our mutual goals.

Question 2. You have noted that you have worked for Casey Family Programs in a research and writing capacity. Did any of your work at Casey Family Programs touch upon the subject of Indian gaming? If yes, please describe.

Answer. My research and writing for the Casey Family Programs concerned elements of trauma and trauma-informed care and resulted in publications for the National Native Child Trauma Center at the University of Montana.

Question 3. At any point during your service as a Staff Attorney at the Native American Rights Fund, did you handle any matter(s) related to Indian gaming? If yes, please describe.

Answer. As a staff attorney at the Native American Rights Fund (NARF), I represented tribal governments that had gaming enterprises. My work involved matters such as constitutional reform, tribal law development, and litigation related to jurisdictional disputes. As a matter of general policy, NARF does not directly engage in cases involving gaming.

Question 4. At any point during your service as Legal Counsel at the Mashantucket Pequot Tribal Nation, did you handle any matter(s) related to Indian gaming? If yes, please describe.

Answer. As legal counsel to the Mashantucket Pequot Tribal Nation, I engaged in a range of issues, including matters concerning the scope and extent of the Tribe's jurisdiction involving activities related to the gaming enterprise, and tribal law and court development such as a tort law for cases arising at the gaming enterprise. I also participated in tribal tax and financing activities, including matters concerning the general welfare exemption.

Question 5. At any point during your service as a Leadership Fellow at the Bush Foundation, did you handle any matter(s) related to Indian gaming? If yes, please describe.

Answer. I used my fellowship to pursue a Master of Public Administration at the Harvard Kennedy School of Government. During this time, I completed an independent study project on data involving violence in Indian Country to better understand both geographic and law enforcement perspectives of the impacts of this violence.

Question 6. At any point during your service as Deputy Solicitor—Indian Affairs at the U.S. Department of the Interior, did you handle any matter(s) related to Indian gaming? If yes, please describe.

Answer. In the general course of my responsibilities as Deputy Solicitor, I worked on issues including Indian land determinations and review of gaming compacts. I also regularly engaged with the General Counsel for the National Indian Gaming Commission. In addition, I worked with the Department of Justice as agency counsel in a gaming-related matter before the United States Supreme Court.

Question 7. At any point during your service as Director of the Center for Indian Country Development, at the Federal Reserve Bank of Minneapolis, did you handle any matter(s) related to Indian gaming? If yes, please describe.

Answer. At the Federal Reserve Bank of Minneapolis, I was involved in research concerning the impact of tribal economies on areas such as access to capital, housing, and education, as well as economic diversification. This research often included

analysis of issues related to tribal gaming. I also led research on urban violence against Native people.

Question 8. At any point during your work at Peñín Haha Consulting, did you handle any matter(s) related to Indian gaming? If yes, please describe.

Answer. I did not handle matters specifically related to tribal gaming at Peñín Haha Consulting. One of my clients was the Economic Policy Institute, where I dealt with global issues regarding the impact of tribal economies on areas such as access to capital, housing, and education, as well as economic diversification.

Question 9. At any point during your most recent service at the Native American Rights Fund, did you handle any matter(s) related to Indian gaming? If yes, please describe.

Answer. At the Native American Rights Fund, a public interest law firm whose mission is to protect Native rights, resources and lifeways, I worked on issues including waters rights, tribal governance, and child welfare.

Question 10. At any point during your service as Commissioner at the Administration for Native Americans, did you handle any matter(s) related to Indian gaming? If yes, please describe.

Answer. The Administration for Native Americans (ANA) makes vital investments in Native communities to enhance the social and economic well-being of Native Americans, Alaskan Natives, Native Hawaiians, and indigenous people of the Pacific Islands. As Commissioner, I have not handled a matter at the ANA related to Indian gaming.

Question 11. To better understand the extent of your on-the-ground experience in Tribal gaming, and speaking generally, do you now, or have you ever, spent time in one or more Tribal gaming facilities—in either a personal or professional capacity?

Answer. During my tenure with the Mashantucket Pequot Tribal Nation, I spent time at the Foxwoods Resort Casino in a professional capacity. In addition, throughout my career in my professional capacity, I have attended numerous business meetings held at tribal casinos across the country. When I visit family at Standing Rock in my personal capacity, I often stay at the hotel at the Prairie Knights Casino and Resort.

Question 12. How do you believe Artificial Intelligence will affect the Tribal gaming industry?

Answer. New technology is changing how games are being played and, as with all technology, it is important that the NIGC ensures that regulatory standards do not lag behind as artificial intelligence (AI) advances. As I stated during my hearing, AI is changing how companies do business and presents a number of benefits, such as being a great data analytic tool. Based on my experience at the Minneapolis Federal Reserve and in the Federal government, however, I believe it is important that there are proper safeguards in place to protect against the potential downsides of AI. If confirmed as NIGC Chair, working on issues related to new technology, such as AI, will be a high priority for me, and I would work closely with NIGC staff, Tribes, and technology experts to understand the impacts of the changing technological landscape on gaming.

Question 13. How do you intend to use your position as Chairwoman at the NIGC to address matters related to human trafficking?

Answer. Preventing human trafficking and violence against women is a responsibility that I take very seriously, and I have worked on these issues throughout my career.

The Indian Gaming Regulatory Act requires the NIGC to refer criminal matters to the appropriate law enforcement agency. It is also the NIGC's oversight responsibility to ensure that Tribes protect the public health and safety in Indian gaming premises, including from the threat of human trafficking. If confirmed as Chair of the NIGC, one of my top priorities will be continuing the NIGC's efforts to combat human trafficking in Indian gaming facilities. Within NIGC's authority, I would promote best practices to help Tribes address these issues at the local level and ensure that any criminal activity is reported to the appropriate law enforcement authorities as required by law. Also, as I touched on in the hearing, I believe it is important to utilize data to better understand the intersection between human trafficking and gaming and to identify any potential data gaps. If confirmed as Chair of the NIGC, I commit to learning more about what data is available and working with you and members of this Committee to combat human trafficking.

Question 14. At any point during your time as an attorney in private practice, have you handled any matter(s) related to Indian gaming? If yes, please describe.

Answer. As I stated at my hearing, I served on the faculty at the University of South Dakota School of Law, where I taught courses on federal Indian law and gaming. However, as an attorney in private practice and at Pehín Haha Consulting, I did not handle matters specifically related to Indian gaming.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. LISA MURKOWSKI TO
HON. PATRICE H. KUNESH

Question 1. If confirmed, what steps will you take, as Chair of the NIGC, to combat human trafficking? What do you see as NIGC's role in anti-trafficking efforts?

Answer. Preventing human trafficking and violence against women is a responsibility that I take very seriously, and I have worked on these issues throughout my career.

The Indian Gaming Regulatory Act requires the NIGC to refer criminal matters to the appropriate law enforcement agency. It is also the NIGC's oversight responsibility to ensure that Tribes protect the public health and safety in Indian gaming premises, including from the threat of human trafficking. If confirmed as Chair of the NIGC, one of my top priorities will be continuing the NIGC's efforts to combat human trafficking in Indian gaming facilities. Within NIGC's authority, I would promote best practices to help Tribes address these issues at the local level and ensure that any criminal activity is reported to the appropriate law enforcement authorities as required by law. Also, as I touched on in the hearing, I believe it is important to utilize data to better understand the intersection between human trafficking and the gaming industry and to identify any potential data gaps. If confirmed as Chair of the NIGC, I commit to learning more about what data are available and working with you and members of this Committee, as well as with Tribes and other stakeholders, to combat human trafficking.

Question 2. If confirmed, will you commit to review the NIGC internal ethics policies for Commissioners and employees and provide your views to the Committee on whether these ethics policies are adequate or need revision? I am particularly interested in your views as to whether these ethics policies are adequate with respect to conflicts of interest, any applicable "cooling off" periods on post-government service employment, and any postemployment restrictions with private employers that may have business before the NIGC or financial interests in Indian gaming?

Answer. Professional responsibility and accountability are foundational to my career. If confirmed as Chair of the NIGC, I commit to consulting with career ethics officials within the Department and adhering to the Department's high ethical standards. If confirmed, I will look into the issues that you have raised regarding internal ethics policies. I will also maintain open communication with you on this issue.