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NOMINATION OF TRACIE L. STEVENS TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

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NOMINATION OF TRACIE L. STEVENS TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION

WEDNESDAY, MAY 26, 2010

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

The Committee met, pursuant to notice, at 10:00 a.m. in room 628, Dirksen Senate Office Building, Hon. Byron L. Dorgan, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA

The CHAIRMAN. We are going to begin the hearing today. This is a hearing of the Senate Indian Affairs Committee. We meet today to examine President Obama's nomination of Ms. Tracie Stevens to serve as Chairman of the National Indian Gaming Commission.

Congress enacted the Indian Gaming Regulatory Act, now nearly 22 years ago, in large part to establish the Commission itself. That Act acknowledges the inherent right of Indian tribes to conduct gaming and balances that right with the need to provide a regulatory framework for Indian gaming.

The mission of the agency is to regulate gaming activities, to shield it from crime and ensure that the games are conducted fairly and honestly, as they are authorized by the various Indian tribes. The Chairman of the National Indian Gaming Commission is specifically tasked with conducting investigations and audits, reviewing tribal gaming ordinances, taking enforcement actions, issuing fines and conducting background investigations.

The Chairman, along with two commissioners, oversees 115 employees who work at seven regional offices and four satellite offices. The Commission's annual budget is about $16 million. The Commission also works to provide technical assistance to approximately 3,400 tribal and State gaming regulators that conduct day to day oversight of tribal gaming operations.

Now, over the past 22 years, the Commission, acting under authority provided in the Indian Gaming Regulatory Act, has succeeded in protecting and fostering Indian gaming as a means of generating revenue for many tribes. Today there are 242 Indian tribes conducting gaming, and the industry generated about $27 billion in gross revenues in 2008.

Indian gaming has brought some tribal communities from desperate poverty to wealth. Many tribes use Indian gaming revenue to improve health care and tribal schools, care for tribal elders, provide fire and police protection, diversify tribal economies, rebuild infrastructure and for many other purposes.

For many other tribes, gaming creates sorely-needed jobs for reservation residents. While I mentioned that it brings wealth to some tribes, by and large, most of the tribes are benefitted by Indian gaming, but it does not bring what I would call wealth. It brings an added income stream with which to help members of the tribe.

Despite the relative success of these gaming facilities, a number of outstanding issues and questions remain in Indian gaming, including gaps in regulation and definitions of certain terms in the Act. We are here today to highlight a number of these concerns and to get Ms. Stevens' views on how she will confront them.

As we will hear today, Ms. Stevens has a strong background in Indian Affairs policy, Indian gaming management and operations and Federal and State and tribal relations. The job of Chairman of the National Indian Gaming Commission is a big job. I am confident that she will provide the needed leadership and oversight to ensure that Indian gaming continues to flourish in our Country.

I am glad to express my support for her nomination. Before I recognize others, I want to clarify the process for moving forward with this nomination.

This morning, Committee members will ask questions of Ms. Stevens, and more will be submitted in writing tomorrow. Once the Committee has received the full responses to these questions, we will seek to report the nomination at our next scheduled business meeting.

Let me just finally say with respect to Indian gaming, there have been questions remaining since the *Colorado River* decision, and issues that remain unresolved. And the Committee will likely want to hold future hearings on that, on the question of the ability of the National Indian Gaming Commission to regulate Class III gaming, as an example. Some say that, well, we don't want three levels of regulatory authority, the State, the tribe, National Indian Gaming Commission.

And yet, I recognize that while there are some States in the Country that have a very sophisticated State level of regulatory authority that comes with the State's responsibilities under the compact with the tribes for Indian gaming, there are other States that would say they have regulatory authority but really do not. States that perhaps have a half-time person or one or one and a half people whose job it is to take a look at Indian gaming. That is really not effective regulation.

So I know that there are people who say, well, we don't want the Congress to do anything about the *Colorado River* decision. And yet, it remains out there as something that has to be discussed, at least in terms of those States in which compacts exist and Indian gaming exists and there is no effective State regulatory authority. There is then a tribal responsibility, should there not also be a responsibility for Class III gaming on the part of the National Indian Regulatory Commission?

Those are very important issues. All of us want Indian gaming to go well, to be successful, to be beneficial to the tribes and the members of the tribes. We think that has been the case. There is much to be said that is positive about it.

I am pleased, however, that we now have a nominee to chair the Commission. It has been a rather lengthy period of time, and it is necessary to protect this area of Indian gaming with effective regulatory authority. That is the reason we will move with some dispatch with this nominee.

Let me call on my two colleagues from the State of Washington who wished to be present to introduce. Senator Murray, would you like to come up and introduce from here? Then I will call on Senator Cantwell.

STATEMENT OF HON. PATTY MURRAY,
U.S. SENATOR FROM WASHINGTON

Senator MURRAY. Thank you very much, Mr. Chairman. It really is a pleasure and an honor for me to be here. Thank you for allowing me to join your Committee for a moment today to introduce Tracie Stevens, who has been nominated to chair the National Indian Gaming Commission.

Tracie has spent over a decade developing the skills to excel as the Chair of the NIGC, starting with her work in operations at the Tulalip Casino. She has practical, on the ground knowledge of this industry. She is a proven leader in this field and has developed strong relationships at our local, State and national level, as the Northwest delegate and executive board member of the National Indian Gaming Association, Chair of the Gaming Subcommittee of the Affiliated Tribes of Northwest Indians and the Secretary of the Board of Directors of the Washington Indian Gaming Association.

Mr. Chairman, I have really appreciated Tracie's work in her current position at the Bureau of Indian Affairs. She has been a very effective leader and has demonstrated knowledge of very complex policy issues and really knows how to communicate those and their importance, both to Washington State and the entire Country.

I also have to say that I am personally excited for Tracie's nomination, because she is an enrolled member of the Tulalip Tribes of Washington State, and understands all of the diverse communities in my State and across the Country.

Mr. Chairman, I am delighted to be here today and honored to give her my highest recommendation, because I really believe she is going to excel as Chair of the NIGC. She has developed the relationships and the trusts that are really necessary to be an effective leader. So I am proud to be here today and join with my colleague, Senator Cantwell, and friends and family of Tracie as well, to support her nomination.

The CHAIRMAN. Senator Murray, thank you very much for being with us and for that statement.

Senator Cantwell?

STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON

Senator CANTWELL. Thank you, Mr. Chairman, and thank you for holding this important hearing this morning, and doing so so quickly. The need for permanent leadership at the National Indian Gaming Commission is very great.

I am pleased to be here to introduce Tracie Stevens, President Obama's nominee for the chairmanship of the National Indian Gaming Commission. I have known Tracie for many years, and I am glad to see that her husband, Kyle Allen, and her daughter, Cierra Joy, are also with her today, as well as State Representative John McCoy, a member of Washington State legislature and a member of the Tulalip Tribe. He is one of the few Native Americans who have been elected to our Washington State legislature in the history of our State. And he is here to support Tracie as one of her key mentors.

Mr. Chairman, the nomination of Tracie Stevens to be Chair of the National Indian Gaming Commission is an important nomination. Because the job provides crucial oversight and regulation of tribal gaming. We all know that since this Commission was created in 1988, tribal gaming has grown dramatically, providing jobs and economic resources to Indian Country.

What we need in this position, Mr. Chairman, is someone who understands and can balance the many unique and complicated issues that arise between tribal sovereignty and Federal law. Tracie Stevens has been a leader in her own community on these important issues for almost two decades. The Tulalip Enterprise is one of the most successful and productive in the State of Washington. The Tulalip's have leveraged their economic opportunity to diversify their own economy. Through these resources, they have transformed their tribe and have enabled major investments in their people and in natural resources.

Tracie has been a key part of the Tulalip's successful transition in numerous critical positions. I am enthusiastic about her nomination, because she understands the many aspects of tribal gaming, because she has seen them through the many advances of her own career. She understands how tribal gaming works on the ground, with State compacts, and at a national level.

Tracie rose to the position of Senior Policy Analyst with the Tulalip's Department where she was the chair of re-writing the tribal gaming ordinance. And she led the Tulalip's negotiation on their gaming compact with the State of Washington, a process that took two years.

Because of these experiences at the Tulalip Tribe and her subcommittee chairmanship with the Affiliated Tribes of the Northwest and participating as a delegate to the National Indian Gaming Commission, I know she will bring a new and unique perspective to NIGC.

She also has already gained a lot of national experience working as a key member of the staff of Assistant Secretary Echo Hawk's office in the Bureau of Indian Affairs. She has worked on public policy, energy, economic development, land into trust, and budget priorities. So her nomination, Mr. Chairman, fills the last vacant position on NIGC, and with her confirmation we will be back to full

strength after one and a half years without a full complement of commissioners. This agency will now be able to get back to carrying out its core purpose and hopefully put the distractions from the past behind it. I am confident that Tracie Stevens is capable of leading the NIGC as it deals with these most contentious issues.

Finally, I would also like to thank Brian Cladoosby, Chair of the Swinomish Tribe, and President of the Affiliated Tribes of the Pacific Northwest, for traveling from the Swinomish Reservation to be here and introduce Tracie on behalf of Indian Country.

Thank you, Mr. Chairman. It is a pleasure to be here with my colleague, Senator Murray, as we have many Northwest Tribes. We are certainly proud of Tracie and the Tulalips today.

The CHAIRMAN. Senator Cantwell, thank you very much. Those are two very strong statements of support from your home Senators, Ms. Stevens.

Senator Tester?

STATEMENT OF HON. JON TESTER,
U.S. SENATOR FROM MONTANA

Senator TESTER. I want to thank you, Mr. Chairman, and I also want to thank the witnesses for being here, especially Tracie Stevens. I think it speaks well of you, Tracie, to have your two home State Senators who are great folks in their own right speak so well of you.

This is an important hearing. Indian gaming is important. It is also controversial. On one hand, Indian gaming has transformed some of the tribal islands of poverty into island of prosperity. Close to population centers, we have seen operating successful, diversified business providing health care to the entire membership. In other places, it hasn't been so good. Where we see tribal members addicted to something like gaming itself, alcohol, cigarettes, other things that go along with it, and thereby neglecting jobs, kids and family, it is not healthy.

As policy makers, we have to decide whether Indian gaming represents a net positive or a net negative. In some places it is a positive and in others, I see it as a negative. We constantly have to ask ourselves where and when it is appropriate.

The purpose of this hearing is to find out whether Ms. Stevens understands the competing priorities and how she will address them. I want to be sure that we give Indian Country the tools that they need to be self-sufficient through self-determination. Sometimes that means gaming. But I also want to make sure that we keep our kids and communities safe and clean.

The National Indian Gaming Commission faces unique challenges. I want to make sure that whoever fills that position knows how to reach a fair balance on competing issues.

Internet gaming, for example, I would like to hear what role you think tribes and States have in the growth of that industry. Class II gaming is another example, I would like to hear where you draw the line between traditional bingo games and full-scale Las Vegas slot machines. Off-reservation gaming, when and where do you think it is appropriate.

Finally, I would like to hear your thoughts on using gaming as a way to lift the boat in Indian Country. Some tribes have become

famously wealthy because of it. Others continue to repeat a cycle of poverty. How do you think successful gaming tribes can help those less fortunate tribes?

Again, I want to thank you, Mr. Chairman, for holding this hearing. Before I relinquish the mic, I would just like to say, thank you, Tracie, for coming to my office and visiting about issues that revolve around Indian Country, and gaming in particular. I think you are going to do a great job in this position. I look forward to supporting your nomination.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Tester, thank you very much. We appreciate that.

Prior to hearing from Ms. Stevens, we will hear from the Honorable Brian Cladoosby, the Chairman of the Swinomish Tribe of Washington, and President of the Affiliated Tribes of the Northwest Indians in Washington State. Mr. Cladoosby, thank you very much for being with us.

STATEMENT OF HON. BRIAN CLADOOSBY, CHAIRMAN, SWINOMISH INDIAN TRIBAL COMMUNITY

Mr. CLADOOSBY. Thank you. Good morning, Chairman Dorgan and members of the Committee.

My traditional name is Speepots. I am Brian Cladoosby, Chairman of the Swinomish Indian Tribal Community. It is my honor to appear before you today to introduce Ms. Tracie Stevens as President Barack Obama's nominee to be the Chair of the National Indian Gaming Commission.

On behalf of Swinomish and my fellow Washington Tribes, we extend our deepest support for Tracie, a respected tribal member, who has committed her career to the good of Indian Country and the United States of America. We give thanks to her husband, Kyle, and daughter, Cierra, for their love and support which is evident throughout her accomplishments as mother, wife and a leader.

Let me share a little bit about myself. I have served my people as Chairman, this is my 14th year. I was just re-elected to our Swinomish Senate, starting my 26th year on council. I am also privileged to represent my colleagues from Washington State Tribes for the past 10 years as President of the Association of Washington Tribes, and represent the 57 Pacific Northwest Tribes in seven western States, including Alaska, as President of the Affiliated Tribes of Northwest Indians. I am an executive board member of the National Congress of American Indians. Also an executive board member of the Washington Indian Gaming Association, as well as a member of the U.S. Environmental Protection Agency's National Environmental Caucus.

We have some fantastic tribal leaders in Washington State and in the Pacific Northwest. I am honored to work with all of them. I have had the privilege of knowing Tracie most of my career as Chairman, and I hold her in high esteem as a colleague. She is an accomplished Native woman who follows the footsteps of many strong tribal leaders from her family and community. In her lifetime, there have been challenges that are not uncommon to most Indian people, which she has overcome.

Today she represents the paradigm of a healthy and successful Native woman in Indian Country. We are so fortunate to have a person of her will and commitment who will embrace the responsibility as Chair of the National Indian Gaming Commission.

Throughout her career, Ms. Stevens' many accomplishments have benefitted tribes in the Northwest and throughout the Nation. Ms. Stevens' reputation in governmental affairs is well-known and respected by Washington State and our tribes. The 12 years of experience at the various levels of gaming law, policy and in management in Tulalip has provided her the expertise to fulfill the Chair's responsibilities.

My personal experience working with Ms. Stevens was during the time when the Tulalip tribes were negotiating multi-party tribal-State compact amendments. As the lead for Tulalip, she was responsible for not only the oversight and management of the development of policy, but the legislative challenges and the overall protection of tribal interests of all 28 compact tribes.

During this period of time, working with the tribes, State and Federal legislation, she earned the reputation and respect as a tough negotiator in critical situations. Tracie was successful in her pursuit to make a change in policy that would be acceptable to all governing bodies and gained the standing of being trusted by all parties.

Like many of you in leadership positions, our success is often a reflection of who we depend upon as colleagues, staff, advisors and friends. My predecessor once told me to surround myself with people you can trust and who support you. For governmental affairs and Gaming industries, this person was Ms. Stevens. I relied on her guidance as an executive board member of the Washington Indian Gaming Association, when she was the Northwest delegate to the National Indian Gaming Association, and when she served as the Chair of the gaming subcommittee for the Affiliated Tribes of Northwest Indians.

In her role as committee Chair, she was responsible for providing the capacity for tribes to address policy and legislative actions, networking and communication and reporting on key local and national issues on gaming. This variety of positions enhanced Ms. Stevens' knowledge on various governmental relationships, agency responsibilities, Federal agreements and most importantly, NIGC. Tracie's skills will enhance the NIGC's ability to make decisions that will reflect the stakeholders' governmental responsibilities and provide a cohesive approach in delicate situations.

We respect the Chair of the National Indian Gaming Commission as one of upmost importance. The responsibility of the Chair position will need to not only protect Indian gaming, but will also need to ensure gaming regulations are thorough and consistent at all levels of the industry. We view the Chair to be one of strong character and have a sound reputation, to ensure that our futures are best represented at all times. We cannot afford for a mistake to occur as it could be devastating for most tribes.

For Swinomish, gaming has always been a means to an end, rather than an end in itself. Swinomish observes gaming as a sole source, in partnership with Federal funding, that supports our governmental services. It is equivalent to your view of taxation. The

goal of the Swinomish tribal government is to provide the best governmental services it can to its membership. Gaming provides desperately needed funds to support tribal activities and has been the answer to many prayers for this community of mine of just about 900 members living on approximately 10,000 acres of reservation land.

Prior to the advent of gaming, Swinomish leaders struggled to provide social services and supported the tribe through Federal governmental grants and contracts in a variety of economic endeavors and commercial leases. Funds were limited and the needs were great then, as they continue to be now.

The Swinomish story is heard throughout Indian Country and all tribal leaders share a vision for greater things for our people and work tirelessly to make a better life for our elders, children and grandchildren. I share this with you so you may understand the true meaning of what gaming means, not only to our community, but to all tribal communities, and how important the role of the NIGC Chairman is to the sustainability of our governments.

With this in mind, let me say this in support of Ms. Stevens. She carries the blood line of strong and independent Tulalip women who have provided leadership in their lifetimes. I have no doubt in my mind that Tracie has the integrity, wisdom and autonomy to make strong decisions that respect the responsibilities of the Commission. Her experience and accomplishments in Indian Country are vast and widely-known by our governing bodies in the United States.

If confirmed, she will be vigorous in her duties as Chairman of the National Indian Gaming Commission, and her actions will ensure that all stakeholders are treated in an equitable manner.

In conclusion, I would like to read a resolution that was just passed at our Affiliated Tribes of Northwest Indians meeting last week on Grand Ronde, Oregon: "Whereas, the Affiliated Tribes of Northwest Indians are representatives of and advocates for national, regional and specific tribal concerns, and whereas, ATNI is a regional organization comprised of American Indians and Alaska Natives in the States of Washington, Idaho, Oregon, Montana, Nevada, Northern California and Alaska, and whereas, the health, safety, welfare, education and economic and employment opportunity and preservation of culture and natural resources are primary goals and objectives of ATNI, and whereas, ATNI supports the nomination of Tracie Stevens for Chairman of the National Indian Gaming Commission, and whereas, ATNI finds the United States and the sovereign nations therein will be well-served by the blend of skills and experience Tracie Stevens brings to the position of NIGC chairman, and whereas, Tracie Stevens has a record of service to Indian Country, beginning as an executive in gaming operations, and later as a senior governmental affairs policy analyst, during which time she served her tribe, and whereas, Tracie Stevens served on the board of the Washington Indian Gaming Association from 2002 to 2009 and the National Indian Gaming Association from 2003 to 2009, and whereas, currently Ms. Stevens is senior advisor to the Assistant Secretary of Indian Affairs, and is working on an array of issues, such as gaming, law enforcement, energy consultation, economic development, land into trust, tribal

government disputes, budget priorities, treaty and natural resources rights, since her hiring in 2009, and therefore, be it resolved, ATNI unanimously supports President Barack Obama in the nomination of Tracie Stevens to serve as the Chairman of the NIGC and calls upon the United States Senate for a prompt and bipartisan confirmation of that nomination."

Once again, I thank you for giving me this opportunity to introduce you to Ms. Tracie Stevens, and may the Creator of all bless you and your families. Thank you.

[The prepared statement of Mr. Cladoosby follows:]

PREPARED STATEMENT OF HON. BRIAN CLADOOSBY, CHAIRMAN, SWINOMISH INDIAN TRIBAL COMMUNITY

Good Morning Chairman Dorgan and Members of the Committee. My traditional name is Speepots, I am Brian Cladoosby, Chairman of the Swinomish Indian Tribal Community. It is my honor to appear before you today to introduce Mrs. Tracie Stevens as President Obama's nominee to be the Chair of the National Indian Gaming Commission. On behalf of Swinomish and my fellow Washington Tribes we extend our deepest support for Ms. Stevens, a respected tribal member who has committed her career to the good of Indian Country and the United States of America. We give thanks to her husband Kyle and daughter Cierra, for their love and support which is evident throughout her accomplishments as a mother, wife and leader.

Let me share a little bit about myself. I have served my people as Chairman for 14 years and have been on our Senate for 26 years. I am also privileged to represent my colleagues from Washington tribes for the past 10 years as President of the Association of Washington Tribes and represent the 57 Pacific Northwest Tribes in seven western states including Alaska as President of the Affiliated Tribes of Northwest Indians. In my short career I have been an Executive Board member of the Washington Indian Gaming Association as well as a member of the US Environmental Protection Agency's National Environmental Caucus. We have some fantastic tribal leaders in Washington State and in the Pacific Northwest, and I am honored to work with all of them.

I have had the pleasure of knowing Ms. Stevens most of my career as Chairman and I hold her in high esteem as a colleague. She is an accomplished native woman who follows the footsteps of many strong tribal leaders from her family and community. In her lifetime there have been challenges that are not uncommon to most Indian people, which she has overcome. Today she represents the paradigm of a healthy and successful native woman in Indian Country. We are so fortunate to have a person of her will and commitment who will embrace the responsibility as Chair of the National Indian Gaming Commission.

Throughout her career, Ms. Stevens' many accomplishments have benefited tribes in the Northwest and throughout the Nation.

Ms. Stevens' reputation in governmental affairs is well known and respected by Washington State and our Tribes. The 12 years of experience at the various levels of gaming law, policy and management in Tulalip has provided her the expertise to fulfill the Chair's responsibilities. My personal experience working with Ms. Stevens was during the time when The Tulalip Tribes were negotiating multi-party tribal-state compact amendments. As the lead for Tulalip, she was responsible for not only the oversight and management of the development of the policy, but the legislative challenges and the overall protection of tribal interests of all 28 compact Tribes. During this period of time working with the tribes, state and federal legislation, she earned the reputation and respect as a tough negotiator in critical situations. Ms. Stevens was successful in the pursuit to make a change in policy that would be acceptable to all governing bodies and gained the standing of being trusted by all parties.

Like many of you in leadership positions, our success is often a reflection of who we depend upon as colleagues, staff, advisors and friends. My successor once told me to surround myself by people you can trust and who support you. For governmental affairs and gaming issues, this person was Ms. Stevens. I relied on her guidance when I was Chair of the Washington Indian Gaming Association, when she was the Northwest delegate to the National Indian Gaming Association and when she served as the Chair of the Gaming Subcommittee for the Affiliated Tribes of Northwest Indians. In her role as committee chair, she was responsible for providing the capacity for tribes to address policy and legislative actions, networking

and communication, and reporting on key local, regional and national issues on Gaming.

This variety of positions enhanced Ms. Stevens' knowledge on various governmental relationships, agency responsibilities, federal agreements and most importantly, NIGC. Ms. Stevens' skills will enhance the NIGC's ability to make decisions that will reflect the stakeholder's governmental responsibilities and provide a cohesive approach in delicate situations.

We respect the Chair of the National Indian Gaming Commission as one of utmost importance. The responsibility of the Chair position will need to not only protect Indian gaming, but will also need to ensure gaming regulations are thorough and consistent at all levels of the industry. We view the Chair to be of a strong character and have a sound reputation to ensure that our futures are best represented at all times. We cannot afford for a mistake to occur, as it could be devastating for most Tribes.

For Swinomish, gaming has always been a means to an end, rather than an end in itself. Swinomish observes gaming as the sole source in partnership with federal funding that supports our governmental services; it is equivalent to your views of taxation. The goal of the Swinomish tribal government is to provide the best governmental services it can to its membership. Gaming provides desperately needed funds to support tribal activities and has been the answer to many prayers for what this community of over 800 members living on a 10,000 acre reservation could be. Prior to the advent of gaming, Swinomish leaders struggled to provide social services and supported the Tribe through Federal government grants and contracts and a variety of economic endeavors and commercial leases. Funds were limited and the needs were great then, as they continue to be now. The Swinomish story is heard throughout Indian Country and all tribal leaders share a vision for greater things for our people and work tirelessly to make a better life for our elders, children and grandchildren. I share this with you so you may understand the true meaning of what gaming means not only to our community but to all tribal communities, and how important the role of the NIGC Chairman is to the sustainability of our governments.

With this in mind, let me say this in support of Ms. Stevens. She carries the bloodline of strong and independent Tulalip women who have provided leadership in their lifetimes. I have no doubt in my mind that Ms. Stevens has the integrity, wisdom and autonomy to make strong decisions that respect the responsibilities of the Commission. Her experience and accomplishments in Indian Country are vast and widely known by our governing bodies in the United States. If confirmed, she will be vigorous in her duties as Chairman of the National Indian Gaming Commission and her actions will ensure that all stakeholders are treated in an equitable manner.

Once again I thank you for giving me this opportunity to introduce to you Ms. Tracie Stevens. And may the Creator of all bless you and your families.

The CHAIRMAN. Chairman Cladoosby, thank you very much.

Now we will hear from Tracie Stevens, who is the nominee. Let me just say briefly that she comes from a tribe that has had successful gaming, and the development of a successful resort business with a business plan that I know directs revenues toward youth programs and programs for members of the tribe and elders. I am impressed with what your tribe has done.

Let me recognize you for an opening statement and if you wish, when you begin, you may introduce your family. I have met your daughter, I see your daughter behind you there. I had the opportunity to be at a salmon bake, I believe, with Senator Cantwell at your tribe, or in the Northwest area.

Anyway, you may introduce your family. Welcome to you, and your entire statement will be made a part of the permanent record. You may summarize it.

STATEMENT OF TRACIE L. STEVENS, NOMINEE TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION

Ms. STEVENS. Thank you, Chairman Dorgan and members of the Committee. I am honored to appear before you today as President Obama's nominee to be the Chairman of the National Indian Gaming Commission.

With me today are my husband Kyle, to whom I have been happily married for 16 years and our beautiful 11 year old daughter, Cierra, who has been a constant source of joy for both of us.

The CHAIRMAN. Welcome to both of you.

Ms. STEVENS. It is their never-ending support and sacrifices that have made it possible for me to be here today.

I would also recognize members of my own tribal leadership from Tulalip who are here today: Business Committee Chairman Glen Gobin and Quil City Village Manager and Washington State 38th District House Representative John McCoy. These leaders and so many others back home, like Chairman Cladoosby, provided constant encouragement without which I might not be here. So I thank them for their continued support today.

I am a member of the Tulalip Tribes in Washington State, whose reservation is located approximately 35 miles north of Seattle. I am the youngest of four children. In 1985, I graduated from high school in Yakima, Washington. Later, after years of attending college part-time and often at night and while working, I graduated from the University of Washington with a bachelor of arts in social sciences. I was the first member of my immediate family to graduate from high school and then from college.

In 1995, I began working in the human resources department in my tribe's gaming facility. In that position, I recruited and hired hundreds of employees, not only for the casino but for the tribal government as well. My responsibilities expanded later to include assisting the 900 plus managers and employees with human resources and personnel matters, like employee training and development, counseling and guidance and disciplinary actions.

I transferred to the operations side of the casino to work for the director of casino operations on management and personnel issues, budgeting, regulatory and operational compliance. Eventually, I became the executive director of strategic planning where I worked for the chief operations officer and was delegated to work with various department directors on overall regulatory and operational compliance, budgeting and current and new facility improvement planning.

In 2002, I transferred to the tribal government to work with the Office of Governmental Affairs, where I acted as the intergovernmental liaison, ensuring that the positions of the tribe regarding local, State and Federal policy reached the appropriate legislative and regulatory officials and bodies.

I advanced to senior policy analyst, where I was responsible for the governmental affairs department personnel, budget and practices. As part of my work in this department, I headed the tribe's initiative to rewrite our gaming ordinance. In this capacity, I directed policy as the legal staff rewrote the tribe's gaming ordinance line by line.

This effort included working with our gaming regulators and operators, as well as using the NIGC's ordinance checklist to ensure that we produced a comprehensive ordinance that protected and safeguarded the operation thoroughly and complied with all applicable requirements.

I also represented my tribe in a 28-tribe compact amendment negotiation with the State of Washington. I worked with my council to develop policy direction and asserted those positions in the negotiation. I also directed legal staff to ensure that the final compact language represented the tribe's interest. Part of this negotiation included writing Class III internal control standards, in collaboration with State and tribal regulators, testing labs, manufacturers, other small and large tribal operators and their attorneys.

This was no small task. It took two years from start to finish, from the first tribal discussion among all Washington tribes to the final Interior approval.

Another aspect of my work on behalf of Tulalip was serving on various regional and national organizations. I served on the board of the Washington Indian Gaming Association, was the Northwest delegate to the National Indian Gaming Association and served as the Chair of the Gaming Subcommittee for the Affiliated Tribes of Northwest Indians. These experiences with various organizations allowed me to establish working relationships with tribes across the Country, helping me to understand the larger impact of policies upon tribes outside my own.

But more importantly, serving on these organizations furthered my experience in working with tribes with varying and often differing cultures, traditions, priorities and positions. My experience working in one of the three largest tribal gaming operations in the Northwest, as well as for our tribal government, has afforded me the opportunity to learn where and how policy intersects with real-time practices.

The work I did for my tribe required me to become knowledgeable of the application of the full range of Federal, State and tribal laws and regulations that apply to Indian gaming and Indian tribes in general. Further, as a result of my experience working with large stakeholder groups, I have developed skills at working collaboratively to find the best solution, even when there are competing interests.

The Tulalip Council has and continues to praise me for walking in both words, for which I am grateful. Walking in both worlds is a phrase that is used in Indian Country to refer to the ability to not only work in a tribal context, but to function in the broader non-Indian world. I think this phrase could also be used in a different way that is relevant to the position for which I am nominated, to describe an ability to cross the divide between gaming operations and broader policy. I think this ability has served me well.

Most recently, I have served as advisor to the Assistant Secretary for Indian Affairs at the Department of Interior, and if confirmed, I will bring all of these experiences and skills to the position of Chairman. Working at my tribe's gaming facility, and also for my tribal government and at the Department of Interior has reinforced my commitment to safeguarding Indian gaming. Tribes as

primary regulators are doing a good job. And if confirmed, I look forward to working with them.

While I have a history and background in working with tribes, and I bring with me my tribe's tradition of collaboration first, let me be clear. I commit to upholding the statutory authority and responsibilities of this position to oversee the regulation of Indian gaming, and where appropriate, take enforcement action. If confirmed, I will work to ensure that tribes achieve and maintain compliance with all applicable statutes and regulations under the NIGC's authority.

Indian gaming has provided a much-needed economic boost, as Chairman Dorgan demonstrated, whether in the form of revenue for services or simply in jobs, it has made a difference. And that is why thorough and consistent regulation at all levels of this industry is so vitally important. If confirmed, I commit to you, Mr. Chairman and members of this Committee, I will work to make that happen.

It is truly an honor and a privilege to be considered for this position. Thank you again, Mr. Chairman, for the opportunity to testify before you today. I would be happy to answer any of your questions.

[The prepared statement and biographical information of Ms. Stevens follow:]

PREPARED STATEMENT OF TRACIE L. STEVENS, NOMINEE TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION

Thank you, Chairman Dorgan and Members of the Committee. I am honored to appear before you today as President Obama's nominee to be the Chairman of the National Indian Gaming Commission. With me today are my husband Kyle, to whom I have been happily married for 16 years, and our beautiful 11 year old daughter, Cierra, who has been a constant source of joy for both of us. It is their never-ending support and sacrifices that have made it possible for me to be here today.

I would also like to recognize members of my own tribal leadership from Tulalip who are here today: Business Committee Chairman Glen Gobin and Quil Ceda Village Manager and Washington State 38th District House Representative John McCoy. These leaders and so many others back home, like Chairman Cladoosby, provided constant encouragement without which I might not be here. So I thank them for their continued support today.

I am member of the Tulalip Tribes in Washington State, whose reservation is located approximately 35 miles north of Seattle, Washington. The Tulalips are the people of the salmon and successors in interest to the Snohomish, Snoqualmie, Skykomish and other allied tribes and bands signatory to the 1855 Treaty of Point Elliott. My family is Snohomish. My great-grandmother was Sara Charlie-Sheldon, my grandmother is Katie Gates, who is going strong at a mere 97 years old, and my mother is Vi who instilled in me a very strong work ethic. I am proud to say that I come from a long line of strong, independent women who committed their lives to serving their families and their communities, and I am grateful to them all for their teachings that have led me here to stand before you today.

I am the youngest of four children. I was born in Los Angeles, California, shortly after my father left the military. Eventually, my mother, my three siblings and I returned to Tulalip. I attended public school at and near Tulalip in early childhood and then later, we moved to areas where employment opportunities for my mother were more plentiful. In 1985, I graduated from high school in Yakima, Washington. I was the first member of my immediate family to graduate from high school.

Shortly thereafter, I returned to the Tulalip area where I attended community college but as for many young people, the need for an income prevented me from pursuing full-time studies. After years of attending college part-time, often at night and while working, I graduated from the University of Washington with a Bachelor of Arts in Social Sciences. I was the first member of my immediate family to graduate from college.

In 1995, I began working in the Human Resources department at my tribe's gaming facility. In that position, I recruited and hired hundreds of employees not only for the Casino but for the tribal government as well. My responsibilities expanded later to include assisting the 900+ managers and employees with human resource and personnel matters like employee training and development, counseling and guidance, and disciplinary actions.

I transferred to the Operations side of the Casino to work for the Director of Casino Operations on management and personnel issues, budgeting, regulatory and operational compliance. Eventually I became the Executive Director of Strategic Planning where I worked for the Chief Operations Officer and was delegated to work with various department directors on overall regulatory and operational compliance, budgeting, and current and new facility improvement planning.

In 2002, I transferred to the Tribal Government to work in the office of Governmental Affairs where I acted as an intergovernmental liaison, ensuring that the positions of the Tribe regarding local, state and federal policy reached the appropriate legislative and regulatory officials and bodies. I advanced to Senior Legislative Policy Analyst where I was responsible for the Governmental Affairs department personnel, budget and practices. As part of my work in this department, I headed the tribe's initiative to rewrite our gaming ordinance. In this capacity, I directed policy as the legal staff rewrote the tribe's gaming ordinance line by line. This effort included working with our gaming operators and regulators as well as using the NIGC's ordinance checklist to ensure that we produced a comprehensive ordinance that protected and safeguarded the operation thoroughly and complied with all applicable requirements.

I also represented my tribe in a 28 tribe compact amendment negotiation with the State of Washington. I worked with my council to develop policy direction and asserted those positions in the negotiation. I also directed legal staff to ensure that the final compact language represented the tribe's interest. Part of this negotiation included writing Class III internal control standards in collaboration with State and tribal regulators, testing labs, manufacturers, other small and large tribal operators and their attorneys. This was no small task. It took 2 years from start to finish: from the first tribal discussion among all Washington tribes to final Interior approval.

Another aspect of my work on behalf of Tulalip was serving on the various regional and national tribal organizations. I served on board of the Washington Indian Gaming Association, was the Northwest delegate to the National Indian Gaming Association and served as the Chair of the Gaming Subcommittee for the Affiliated Tribes of Northwest Indians. These experiences with various organizations allowed me to establish working relationships with tribes across the country, helping me to understand the larger impact of policies upon tribes outside my own. But more importantly, serving on these organizations furthered my experience in working with tribes with varying and often differing cultures, traditions, priorities, and positions. It helped to bolster my skills in consensus building and bridging differences.

My experience working in one of the three largest tribal gaming operations in the Northwest, as well as for a tribal government, has afforded me the opportunity to learn where and how policy intersects with real-time practice. The work I did for my tribe required me to become knowledgeable of the application of the full range of Federal, State, and tribal laws and regulations that apply to Indian gaming and Indian tribes in general. Further, as a result of my experience working with large stakeholder groups, I have developed skills at working collaboratively to find the best solution even where there are competing interests.

In addition to having worked since 1995 as a professional at various levels of Indian gaming operations, working at the intersection of the regulatory world, as I have just described, I would tell you that there is no better preparation for a grueling position in which an individual is caught between competing interests than standing before of the Tulalip council. I have on occasion been required to justify my opinions before the Council with careful reasons and strong arguments. The Tulalip council can be a tough audience, but they have and continue to praise me for walking in both worlds, for which I am grateful.

Walking in both worlds is a phrase that is used in Indian country to refer to the ability to work not only in the tribal context but to function as well in the broader, non-Indian world. I think this phrase could also be used in a different way that is relevant to the position for which I am nominated, to describe an ability to cross the divide between gaming operations and broader policy. I think that this ability has served me well. Most recently I have served as an advisor to the Assistant Secretary for Indian Affairs at the Department of the Interior. If confirmed, I will bring all these experiences and skills to the position of Chairman.

Working at my tribe's gaming facility and also for my tribal government and at the Department of the Interior has reinforced my commitment to safeguarding Indian gaming. Tribes as primary regulators are doing a good job and if confirmed, I look forward to working with them. And while I have a history and background in working with tribes and I bring with me my tribe's tradition of collaboration first, let me be clear: I commit to upholding the statutory authority and responsibilities of this position to oversee the regulation of Indian Gaming and where appropriate, to take enforcement action. If confirmed, I will work to ensure that Tribes achieve and maintain compliance with all applicable statutes and regulations under the NIGC's authority. Indian gaming has provided a much-needed economic boost whether in the form of revenue for services to communities or jobs; it has made a difference. And that is why thorough and consistent regulation at all levels of this industry is so vitally important. If confirmed, I commit to you, Mr. Chairman and Members of the Committee, I will work to make that happen.

It is truly an honor and privilege to be considered for this position. Thank you, Mr. Chairman, for the opportunity to testify before you today. I will be happy to respond to your questions.

A. BIOGRAPHICAL INFORMATION

1. **Name:** (Include any former names or nicknames used.)

   Tracie Lee Stevens
   Maiden Name: Tracie Lee Arbuckle

2. **Position to which nominated:**

   Chairman, National Indian Gaming Commission

3. **Date of nomination:**

   April 29, 2010

4. **Address:** (List current place of residence and office addresses.)

   Residence:

   Information not released to the public.

   Office:
   1849 C St. NW
   MIB 4149
   Washington, DC 20240

5. **Date and place of birth:**

   August 7, 1967 *Los Angeles, CA*

6. **Marital status:** (Include maiden name of wife or husband's name.)

Married 16 years – Kyle Alan Stevens

7. **Names and ages of children:** (Include stepchildren and children from previous marriages.)

Cierra Joy Stevens, age 11

8. **Education:** (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)

A.C. Davis High School, Yakima, WA 1982-1985, High School Diploma 1985
Everett Community College, Everett, WA 1985-86, 1991, 1996
Edmonds Community College, Edmonds, WA, 1995, 1998-99, Associates of Arts, 1998
University of Washington, Seattle, WA 1987-88, 1991, 2004-06, Bachelor of Arts, 2006

9. **Employment record:** (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment, including any military service.)

Senior Advisor to the Assistant Secretary, Indian Affairs
U.S. Department of the Interior
Washington, DC
July 2009-Present

Senior Policy Analyst
Tulalip Tribes of Washington
Tulalip, WA
January 2006-July 2009

Policy Analyst
Tulalip Tribes of Washington
Tulalip, WA
March 2003-January 2006

Government Affairs Liaison
Tulalip Tribes of Washington
Tulalip, WA
September 2002-February 2003

Executive Director of Strategic Planning
Tulalip Casino
Tulalip, WA
January 2002-September 2002

Executive Assistant to Chief Operations of Officer
Tulalip Casino
Tulalip, WA
May 2001-January 2002

Administrative Assistant to the Director of Casino Operations
Tulalip Casino

Tulalip, WA
August 2000-May 2001

Human Resource Employee Relations Specialist
Tulalip Casino
Tulalip, WA
May 2000-August 2000

Employment Specialist
Tulalip Casino
Tulalip, WA
October 1999-May 2000

Customer Service Representative
General Telephone (GTE)
Everett, WA
March 1998- April 1998

Assistant Human Resources Manager
Tulalip Casino
Tulalip, WA
November 1997-March 1998

Employment Specialist
Tulalip Casino
Tulalip, WA
December 1995-October 1997

Customer Service Representative
General Telephone (GTE)
Everett, WA
July 1993-May 1995

Repair Service Representative
Shift In-Charge Supervisor
General Telephone (GTE)
Everett, WA
March 1992-July 1993

Office Assistant
Jack Roberts Appliance Center
Everett, WA
June 1991- August 1991

Office Assistant
Judd & Black Appliance
Everett, WA
November 1989-June 1991

10. **Government experience:** (List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.)

    None

11. **Business relationships:** (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.)

    Washington Indian Gaming Association (WIGA)
    Secretary, Board of Directors
    2002-2009

    Affiliated Tribes of Northwest Indians (ATNI)
    Individual Member
    Tulalip Alternate Delegate
    Chair/Co-Chair Gaming Subcommittee
    2003-2009

    National Indian Gaming Association (NIGA)
    Tulalip Alternate Delegate
    Northwest Delegate
    2003-2009

    National Congress of American Indians (NCAI)
    Individual Member
    Tulalip Alternate Delegate
    2003-2009

12. **Memberships:** (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.)

    None other than those listed in Question 11 of this section.

13. **Political affiliations and activities:**
    (a) List all offices with a political party which you have held or any public office for which you have been a candidate.

    None

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

    "No on I-892"
    2004 Washington State Ballot Initiative
    Volunteer

    (c) 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.

None

14. **Honors and awards:** (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.)

None

15. **Published writings:** (List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.)

None

16. **Speeches:** Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of on topics relevant to the position for which you have been nominated.

I am attaching the transcript of my testimony before the National Indian Gaming Commission at a Public Hearing held on September 19, 2006.

17. **Selection:**

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

Yes. I have significant previous background and experience with Indian gaming as well as established relationships with the Indian Community. Additionally, I meet the requirements of the Statute as a Native American and of party affiliation.

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

I have extensive background in and knowledge of gaming regulations, federal Indian gaming law, policy, federal and state-tribal relations regarding gaming, as well as established relationships with the tribal community.

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

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.

   None

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.

   Tulalip Tribal Per Capita Payments

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.

   In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Interior's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

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.

   I have never been a registered lobbyist. On behalf of Tulalip Tribal Government, from 2002-2009, I acted as an intergovernmental liaison, ensuring that the positions of the Tribe regarding local, state and federal legislation and proposed regulations reached the appropriate legislative and regulatory officials and bodies. I have assisted in the coordination and dissemination of Tulalip's position on varying pieces of congressional legislation since 2002, including attending meetings with members of Congress. Also, I have coordinated and assisted with the delivery of testimony by Tulalip elected officials at SCIA hearings on gaming and tribal justice systems.

   As noted in questions A16, I testified before the National Indian Gaming Commission in September, 2006 as a representative of the Tulalip Tribal Government.

   I volunteered for "No to 892," a campaign to defeat a Washington state ballot initiative in 2004.

   I have worked at the Department of the Interior since July 2009, and have been involved in discussions and execution of policy and legislation as part of my official responsibilities.

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 conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Interior Department's designated agency ethics official and that has been provided to this Committee.

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.

   The NIGC under the past Chairman promulgated a number of regulations, such as Minimum Internal Control Standards for Class II and Class III, Class II Technical Standards, and Facility Licensing Standards, that were controversial and had very large economic impacts on tribes. Some of these regulations were long in the making and some were highly contested by the tribes due to concerns about lack of meaningful consultation and authority of the agency.

   If confirmed, I will conduct a review of NIGC regulations to determine whether they are appropriate and consistent with statutory requirements. As part of such a review, I will work closely with this Committee and Congress to ensure that all regulations issued and enforced by the NIGC comply with the law.

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?

Since 1995, I primarily have been employed by my Tribe in either their Casino operation or within the tribal government's Government Affairs department.

The experience at the Tulalip's gaming facility provided hand-on experience in the application of regulatory standards and real-life, practical experience working between operations and regulatory agencies to collaboratively achieve tribal objectives.

My experience working in Government Affairs provided crucial experience working with gaming policy at the state and federal level. This experience established working relationships with elected officials and provided opportunity for me to work with regulatory bodies in the rulemaking process.

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

As a member of a federally recognized tribe, I have committed my life to serving my people and Indian Country in whatever manner is needed. I am a strong supporter of this Administration's commitment to Indian country in terms of nation building, honoring tribal sovereignty and self-determination and engaging in meaningful consultation with tribes. While the NIGC is an independent agency under the Department of Interior, the NIGC would be greatly benefited by voluntarily complying with Executive Order 13175 and begin a renewed outreach to tribes based on this Administration's commitments. I believe that the NIGC should rebuild its government-to-government relationship with tribes and work together with tribes to achieve the regulatory and policy goals of the Agency as follows: (1) ensure regulatory and statutory compliance by tribal gaming facilities, (2) prevent organized crime infiltration and corruptive influences in Indian gaming facilities, and (3) promote tribal economic development, tribal self-sufficiency, and strong tribal government.

In this Administration, I see a unique opportunity to work in collaboration with tribes and states to oversee and protect Indian gaming. One regulatory agency alone cannot do this. It must be a collective effort between the three levels of regulation. In the past, Agency relations with tribes have become strained which ultimately may have been at the cost of effective oversight and efficient regulation. If confirmed, I hope to rebuild these relationships in order to strengthen both the Agency and the tribes' ability to protect this viable and successful economic initiative that has made a difference to so many Indian people.

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

My goals, if confirmed, will be to work collaboratively with tribes in a consultative manner to identify areas of improvement for the agency in:

- *Improving the consultation process;*
- *Providing technical assistance;*
- *Determining whether there is a need for different regulations;*
- *Reviewing previously finalized regulations;*

- *Re-establishing working relationships to ensure statutory and regulatory compliance, safeguard tribal gaming operations from organized crime and corruptive influence, and promote tribal economic development, tribal self-sufficiency, and strong tribal government; and*
- *Ensuring that the Agency is in compliance with all laws, regulations, rules and executive orders in order to achieve as high a degree of transparency as possible.*

Additionally, I would work to restore the relationship with the Department of the Interior to coordinate, where appropriate, the Administration's policies and positions on gaming.

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?

With past experience in Human Resources and Management/Personnel decisions, I am comfortable overseeing the staff who work for the agency.

With past experience working in the operations of an Indian gaming facility, I am quite familiar with how regulations affect an operation in real-time.

While I have extensive knowledge of the regulatory policy of the NIGC, my most significant requirement, should I be confirmed, will be legal expertise. If confirmed, I would appoint a knowledgeable experienced individual to be the permanent General Counsel of the NIGC. I would rely on the knowledge and expertise of the Agency General Counsel to advise me and other members of the Commission regarding the Agency's legal responsibilities and to ensure compliance with statutes, regulations, executive orders and court decisions.

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.

The role of any government should reflect the goals and values of the people represented. It is also to provide for the health, safety, education and well being of its citizens. Government has a role in regulating the conduct of its citizens to achieve these larger goals. Some conduct must be proscribed and in some cases prohibited.

Addressing the oversight and regulation of Indian gaming is slightly complicated because of the unique relationship the federal government has with tribes. The balance that the Indian Gaming Regulatory Act (IGRA) imposed on tribal, federal and state governments makes for overlapping policy and regulatory schemes. Government programs remain necessary as long as they are providing a function that individuals cannot or, as in the case of IGRA, when a balance must be found among various, sometimes competing, policy and regulatory objectives.

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

The Commission's primary mission is to regulate gaming activities on Indian lands for the purpose of shielding Indian tribes from organized crime and other corrupting influences; to ensure that Indian tribes are the primary beneficiaries of gaming revenue; and to assure that gaming is conducted fairly and honestly by both operators and players.

To achieve these goals, the Commission is authorized to conduct investigations; undertake enforcement actions, including the issuance of notices of violation, assessment of civil fines, and/or issuance of closure orders; conduct background investigations; conduct audits; and review and approve Tribal gaming ordinances.

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

   1) *Re-establishing a collaborative working relationship with tribes*
   2) *Ensuring tribal gaming operations and governments have adequate technical assistance*
   3) *Ensure that the Agency is in compliance with all laws, regulations, rules and executive orders in order to achieve as high a degree of transparency as possible*

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?

   Generally the Agency has achieved the stated goals. However, in previous years the NIGC undertook the promulgation of regulations without thorough and adequate consultation with tribes. This resulted in strained relationships with tribes and a shift in focus away from practical problem solving, through such mechanisms as technical assistance, that would have aided in compliance.

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

   Federally recognized Indian tribal governments
   Indian gaming facilities
   Manufacturers of gaming equipment
   Management and contractors of gaming facilities
   States
   Congress & the Administration
   NIGC Staff
   Indian gaming associations

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

    The Chairman of the NIGC is often the focal point for the balance imposed by IGRA in the regulation and oversight of Indian gaming. It is vital that the Chairman recognize the primary role tribes play in the regulations of Class I and Class II gaming. Also, the Chairman must understand the often complex and contentious relationships between the tribes and the states in the workings of Class III gaming compacts. Indian gaming is supported and remains vital only with a productive and constructive relationship with all stakeholders. First and foremost this should take the form of meaningful and active consultations with tribes. Second, the Chairman must listen closely to all stakeholders as policy, oversight and regulatory activities are contemplated. Lastly, the Chairman must have a qualified, motivated and properly focused staff.

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?

    The Agency has a duty to ensure that the funds paid by tribal gaming organizations are used to achieve the Agency's mission and statutory responsibilities. Because it is a federal agency by statute, the Agency must be held accountable for compliance with all appropriate and applicable statutes, regulations, and executive orders.

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

    As part of a larger management team at Tulalip's gaming facility, I am familiar with budgeting process and making key decisions with regard to financial, operational and personnel matters. As responsible employee for a tribal department budget, I am familiar with ensuring wise and fiscal responsibility to a community.

    Additionally, as a Board member of a multi-tribal trade association, I am familiar with working with multiple stakeholders and views with regard to expenditures, priorities and commitments of an organization.

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?

    1) To provide clear accountability measures to which the stakeholders can hold the agency.
    2) To provide a process for the discussion of goals and objectives with stakeholders.
    3) To provide a process for setting budgets and other financial needs so that the tribes, who fund the NIGC budget, can understand and have meaningful input.
    4) To provide a medium for transparency with stakeholders inside and outside of the government.

    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?

    The evaluation of goals must encourage and recognize when higher standards are being achieved, however, when goals are only incremental and are designed to promote the status quo they must be evaluated using the same standards as those goals that set higher objective. Congress plays a vital role in this process. Consequently, Congress must keep all available options open.

    c) What performance goals do you believe should be applicable to your personal

performance, if confirmed?

Those contained in my answer to question 12(a).

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

Generally, I prefer to empower employees to perform their duties. I believe the key to good management is selecting the right candidates for positions and leveraging their strengths to achieve the collective goals and objectives of the larger work group. With my background in Human Resources, I realize that each employee is different and requires different levels of supervision and direction. Getting to know your employees, their strength and weaknesses, is vital to getting the most productive work from them. Additionally, when employees receive clear direction and authority and have measurable performance objectives, they tend to perform better.

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

My experience with Tulalip from 2002–2009 included coordinating and disseminating Tulalip's positions on various pieces of congressional legislation, including attending meetings with members of Congress. Also, I have coordinated and assisted with the delivery of testimony by Tulalip elected officials at SCIA hearings on gaming and tribal justice systems.

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

The relationship between the NIGC Chair and the Inspector General of DOI is to be responsive to and cooperative with the IG's independent audits, investigations and evaluations as they pertain to the NIGC performance standards, programs and operations. The NIGC Chair should ensure that agency operations, performance measures and programs are being met.

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.

The NIGC has been successfully operating under the Indian Gaming Regulatory Act which has relatively unchanged (substantively) for some time. At this time, I do not believe there is legislative action regarding IGRA that needs to be considered.

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 time frame for their implementation. If not, please explain why.

Yes. The stakeholders which fund the NIGC have the right to transparency with regard to the expenditures of their fees for accomplishment of the NIGC statutory responsibilities.

If confirmed, I would review initially the past 5 years of budgets, including the proposed 2011 budget, as well as review the 5-year Strategic Plan (2009-2014) to ensure a set of fair and objective criteria exists. If such criteria do not exist, I would take steps to rewrite the Strategic Plan and revisit budgeting from 2012 forward. Additionally, if confirmed I would initiate a review of the agency's compliance with other applicable statutes, regulations and executive orders for effectiveness and efficiency.

To accomplish these reviews and possible amendments, I recommend the development of an Action Plan with appropriate timelines applied. This overall review could take up to 18-24 months.

The CHAIRMAN. Ms. Stevens, thank you for your testimony. As I indicated at the outset, I intend to support your nomination. I think the President has chosen wisely and I would expect and hope

that your nomination will be able to clear this Committee and the Senate very soon.

We have operated without a Chairman at the NIGC for some while. That doesn't make much sense to me. We need strong leadership and someone in that position.

Let me say to you, there are a number of controversial issues. Although we on this Committee have not held hearings on them recently, because we have focused especially on getting the Indian Health Care Improvement Act done, we have focused especially on the issue of tribal law enforcement bill, we are working on a number of those things. Doesn't mean the other things are not an issue and that we will not turn to them. I believe we must at some point.

When the Indian Gaming Regulatory Act was enacted in 1988, Indian gaming was $200 million a year. Two hundred million dollars a year. Now it is $27 billion annually, and 80 percent of the revenue is generated through Class III gaming, that is, what people traditionally refer to as Las Vegas style gaming.

In 2006, as you recall, the Federal Courts in the *Colorado River Indian Tribes* case held that the Commission does not have the authority to issue minimum internal control standards for Class III gaming. I know that former Chairman Hogen felt very strongly, we held hearings, I have previously supported efforts to give the Commission that authority. We have not yet done that.

But tell me your assessment of that case and what you believe should be the response, if any, by Congress to the *Colorado River* case?

Ms. STEVENS. Thank you, Chairman Dorgan, for your question.

First of all, I want to thank you for paying so much attention to issues like health care and law enforcement. Those are incredibly important issues in Indian Country. I do understand that the *Colorado River Indian Tribe* decision is very important. And it has raised a lot of concerns about Class III regulatory authority of the NIGC.

What I would first say is that it is important to distinguish between tribes and States that have really good, as you mentioned earlier, Class III regulatory oversight in their compacts. I come from a State, Washington, that has an extremely well-established, long-standing Class III framework for regulatory oversight that is shared between the tribes and the State.

However, I do understand that there are tribal-State compacts that don't have as robust a system as we do. I think that it is something to be concerned about. We want to make sure that this particular industry, as you mentioned, that has been so helpful to Indian Country, is protected at all levels.

In the face of the *Colorado River Indian Tribe* decision, I think what has been happening with the NIGC is that they have been reaching out to the tribes and the States in those areas. If I am confirmed, I would continue to do that. In the absence of legislation, I think that is what the NIGC has to do.

I am a believer in working together, as I mentioned in my opening statement. There are ways to work at all three levels and coordinate and collaborate so that we can protect this industry and maintain its integrity.

The CHAIRMAN. Ms. Stevens, what is your notion, if you have one, of off-reservation gaming? There is a lot of discussion about that. I have fairly strong views about off-reservation gaming. Every Indian tribe that is not near a population center would very much like to buy some land, take it into trust and put a casino or some sort of gaming facility near a major population center. It is called off-reservation gaming.

There have been guidances by the Interior Department, talking about a commutable distance test and some historical relationship to the land that is sought and so on. Tell me your impression about off-reservation gaming.

Ms. STEVENS. Thank you, Senator Dorgan, for that question.

It is a contentious issue. Off-reservation gaming, as is my understanding, has occurred in very few numbers, historically, over the past 21 plus years. However, I do realize it is a contentious issue.

I would say that the authorities for land into trust and off-reservation parcels are under the purview of the Secretary of Interior. And NIGC's authority is very limited if it exists at all in this area. However, I do realize that it is a contentious issue and there is a lot of discussion and has been a lot of discussion about it to date.

The CHAIRMAN. And there will be more, I am sure. I expect that you will be involved in that in some peripheral way.

So, someone might say, number one, you are not old, number two, you don't have 35 years of experience, 40 years of experience, number three, you are not a lawyer, number four, you used to work in the Indian gaming industry. So those four things, they would say, that is probably not the strongest candidate. Give me your response to that.

Ms. STEVENS. Thank you, Senator Dorgan. I am actually older than I look.

[Laughter.]

The CHAIRMAN. By the way, I don't necessarily think it is an asset to be old.

[Laughter.]

The CHAIRMAN. I think bringing new blood and reasonably young, interesting people with new ideas into these agencies is an asset. But I am just saying that some people will look at you and say, you are not a lawyer, you don't have 40 years' experience and background and so how can you do this job.

Ms. STEVENS. Who are you and how did you get in here?

The CHAIRMAN. Right.

Ms. STEVENS. What I would say, and for the reasons that you actually illuminated, I do come from Indian Country and I do come from an operational standpoint. I have practical experience where I can stand at the intersection of where policy has to be implemented, policies and regulations have to be implemented on the ground, from a practical standpoint. I know what it is like to receive regulations and comply.

I also know what it is like to be a part of that process when regulations and policies are being made. I think that is a unique perspective that I can bring to this.

And in terms of being an attorney, what I would say in looking back, I can understand in the beginning with IGRA first establishing the Commission, historically the chairmen have all been at-

torneys. And that was necessary as they were building the framework and the foundation for the Commission and as the industry was maturing.

But 21 plus years later, it is a mature industry, as you demonstrated with the numbers of revenue that is coming in from Indian gaming. Tribes have become experts in operations. They have become experts in regulation, as the primary regulators on a day to day basis. Consequently, the Commission has become mature and has adapted and has really become a robust Commission. And what is in need today, I see that we have two new commissioners, this is an entirely new Commission right now.

What this position needs is leadership. The Commission does have legal experts that do provide analysis and advice to the Commission and to the Chair. But I think what needs to happen here is leadership. And leadership is about managing people, managing strategic direction and building relationships. I can do all of those things. I come from the areas where that happens.

The CHAIRMAN. Before I call on Senator Cantwell and Senator Franken, let me just mention to you that whether it is an oil spill in the Gulf of Mexico that is devastating, or a near-collapse or collapse of the biggest investment banks in the Country, the need for effective, tough, no-nonsense regulation in a range of areas is critical. It is also critical in Indian gaming. Because this $27 billion industry is very important to Indian tribes.

But you and I know what will happen if, because there is any lax oversight or regulatory response, if we have some areas in Indian gaming that blow up because there wasn't effective State regulatory authority and because the Commission didn't have the reach on Class III and so on, it is going to tarnish and hurt the entire industry. That is why it is so important for us to have effective regulatory authority and for the NIGC to work the way it is intended and expected to work.

Having said that, I am supportive of your nomination. I want you to get through the Senate as quickly as we can, get you in that office. And I want you to do a good job, and I am sure you will.

Senator Cantwell?

Senator CANTWELL. Thank you, Mr. Chairman, and thank you for reminding me that you have been to the Tulalip Reservation, or pretty close thereby. So you know the proximity to Seattle, and yet the economic development that has occurred in that region.

Ms. Stevens, I wanted to ask you about, obviously the National Indian Gaming Commission's most recent compliance report that indicated confidence that gaming tribes regulated by NIGC are maintaining a strong record of compliance. But the report also indicates that some tribes are failing to meet the regulatory deadlines. Are you willing to use enforcement authorities you have at your disposal in order to ensure the tribes remain, stay on top of this process?

Ms. STEVENS. Thank you, Senator Cantwell, for your question. As I said in my statement, I have made it clear that I will take enforcement action where appropriate and if necessary. As you know, my tribe is a very collaborative tribe and we have a background of collaboration. I hope that we can work through technical assistance and try to preempt and prevent some of these late au-

dits, some of these findings that came out in that report. But, in the face of a willfully non-compliant tribe, I have no problem taking enforcement actions, if confirmed.

Senator CANTWELL. Thank you. How do you plan to provide leadership? You mentioned the issue of collaboration. Obviously, with the departure of Ms. Coleman, it will leave the Commission without a top lawyer and one of your key staff people. I know you said you did lots of hiring at the Tulalip, hundreds of people. How do you plan on filling key positions in the agency there to make sure that we are fully staffed?

Ms. STEVENS. Thank you, Senator Cantwell. If confirmed, we know that Ms. Coleman is retiring. So we will have this position to fill. But it has been an acting position for some time now. And I would commit to this Committee that the NIGC would hire a permanent, full-time general counsel who has the knowledge, skills and experience necessary to fulfill their duties as the attorney for the Commission. I think there are plenty of qualified folks out there that can fill that job.

There are other key positions, too, there. As I said, and Chairman Cladoosby said it, too, I have a lot of experience, as you noted, in hiring folks and recruiting. This is a new era, this is a great time to bring in new blood. It is a good time to bring in out of the box thinkers and problem solvers. As Chairman Dorgan said, folks basically who roll up their sleeves. I think, if confirmed, we can find those folks.

But also surrounding that, I think the key to good management is surrounding yourself with good, qualified people that have the same team objective that you do. So I am confident that we could find a permanent general counsel and key staff.

Senator CANTWELL. You spent the last year working with Assistant Secretary Echo Hawk's office. So I am sure you have become not only familiar with the experience you have had in the Northwest, but many tribal operations across the Country. And so that will be helpful to you. You have two new commissioners who have been appointed, Steffani Cochran from New Mexico and Daniel Little from Massachusetts.

So you have a pretty new team. How do you plan to reach out on those issues of compliance and reaching out to Indian Country, so as you say, you have more cooperation in advance, so that you don't have to use the enforcement mechanisms?

Ms. STEVENS. Thank you, Senator. Actually, I know the two new commissioners, and if confirmed, I am looking forward to working with them. I think they bring a lot to the table. It is not a dictatorship. To some extent there are powers and authorities that are only with the Chairman. But if confirmed, I look forward to working with the new commissioners to really just brainstorm on how we can tackle some of these issues, like the report, or issues about Class III regulatory authority, technical assistance, so that we can preempt some of this.

Steffani and Dan are well-experienced individuals, whose hearts are in the right place for Indian Country. I would commit to you and to this Committee, if I am confirmed, that it would be a very collaborative approach among the commissioners and working with

tribes to see where we can fill gaps that will ensure the integrity of the operations and protect Indian gaming.

Senator CANTWELL. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Franken?

STATEMENT OF HON. AL FRANKEN, U.S. SENATOR FROM MINNESOTA

Senator FRANKEN. Thank you, Mr. Chairman.

Ms. Stevens, we met yesterday in my office. I was very impressed. I don't have a lot of questions.

One thing we talked about is I have 11 tribes in my State. All of them have gaming in varying degrees. We have major casinos like in many States where they are close to population centers, the Shakopee, Mille Lacs, Prairie Island. And then the other tribes are farther away from population centers and have smaller operations and less lucrative operations and tend to be poorer for it.

These are all sovereign entities. So I know there is nothing that can be done on a basis other than voluntarily asking these tribes. But do you have any thoughts about sort of the distribution of these revenues, where some tribes are located very close to a metropolitan center and they may be a small tribe? So per member of a tribe they are doing very well, whereas other tribes in the same State really are having tremendous difficulties?

Ms. STEVENS. Thank you, Senator. I do recognize, and I recall talking to you about this yesterday, there are really circumstances, due to just the demographics of where a tribe is located, and oftentimes that is not in a very populated area, that change the outcome of whether they have a casino or not. You mentioned to me that you have a tribe in your area that is very generous, Shakopees, in sharing their revenue. And as you stated, the NIGC has limited any authority on how tribes can distribute their revenues.

However, I also come from a State where we built a mechanism into our compacting system where the tribes, and I was talking to Senator Tester about this yesterday, that the way that we share in the state of Washington, we look at examples, like with Minnesota Shakopee, where tribes that are not in a demographically favorable area lease machines to the ones that are, like with my tribe. And that is one way for tribes to gain from gaming revenue and not have to struggle to have an operation that demographically would not be successful.

But I certainly recognizes that there is a divide between tribes that have very successful gaming operations and those that don't. Certainly I personally encourage tribes to work with other tribes to see how they might be able to assist others.

Senator FRANKEN. Just as part of the culture. Now, Senator Cantwell was talking about some of the tribes who run casinos being slow to respond to you. In talking to some of the Minnesota tribes, one thing I have heard about the NIGC is that it is very slow, the process, decisions. And this makes it challenging for the tribes to make time-sensitive business decisions. If confirmed, will you expedite response time at NIGC?

Ms. STEVENS. Senator, thank you for your question. Yes, I would look into what are the practices. I think as a manager, when you first come in, you take a look around and you see what everybody's

doing. And you look at the objectives and see if they are matching up. And really, I am not a bureaucrat. I am new to the area. So I

Senator FRANKEN. Shame on you.

[Laughter.]

Ms. STEVENS. But I have very little patience, as people who have worked with me know. But I certainly will be fair and firm with the staff, but I really agree that processes should be expedited. But we certainly don't want to compromise the integrity of the regulatory oversight. But I would commit to you that I would look into that and see what we can do about expediting some of the decisions that come out of NIGC.

Senator FRANKEN. Thank you.

And because my time is running out, just very quickly, you are also, if you are not a bureaucrat, you are also not a lawyer, working in a largely lawyer-driven area. Maybe I am biased, I happen to think that might be a strength. I am on the Judiciary Committee, I am not a lawyer.

Can you speak to how your background as someone who really operated a casino speaks to your ability to regulate casinos and working in the gaming industry?

Ms. STEVENS. Thank you, Senator.

It is helpful to have a legal background. I don't think that it is necessary, and I would agree with you. I am inclined to make a joke to say that I am smart enough, people like me.

Senator FRANKEN. I don't get it.

[Laughter.]

Ms. STEVENS. But all joking aside, I come from a background where, like I said, it is like building a house. It is one thing to make the plans and write them up, it is another thing of the builder to build it. It is another thing for the guy that has to permit to permit it, and it is usually someone who has some sort of legal background, engineering background. Then someone has to live in it.

I have a very practical sort of experience, I live in the operations. I know what it is like to have regulations and policies handed down to me and to implement them. I have that perspective, to say, that won't work, we have to find another way to do this. And that is what I guess I would say to you in regard to that. While I am not an attorney, I would rely on the advice and analysis of the permanent general counsel that I would, if confirmed, would seek and hire.

But I am confident I can do the job. It is more about leadership at this point in time than it is about being an attorney. I think that for the NIGC, it is a new day. It is time for some new leadership. I think I can provide that, if confirmed.

Senator FRANKEN. I think you can, too. Thank you, Ms. Stevens, and congratulations on your confirmation.

Ms. STEVENS.

The CHAIRMAN. Senator Cantwell, did you have anything further?

Senator CANTWELL. No, thank you, Mr. Chairman.

The CHAIRMAN. All right.

Ms. Stevens, we will be sending you some additional questions. And then it will be my intent to, at the next business meeting, have your nomination on the calendar for the business meeting. We would hope to see you as Chairman of the National Indian Gaming Commission at some future hearing.

We appreciate your being here today. We thank you for introducing your family to us. And we will, as I said, be sending additional questions and hope to move this nomination very quickly.

Ms. STEVENS. Thank you, sir.

The CHAIRMAN. Thank you.

This hearing is adjourned.

[Whereupon, at 11:00 a.m., the Committee was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BYRON L. DORGAN TO TRACIE L. STEVENS

Question 1. Commission Regulations and Consultation. In recent years, the Committee has heard from Tribes that consultations with the National Indian Gaming Commission were not "meaningful." In your view, what is "meaningful" consultation with tribal governments? If confirmed, how will you consult with tribes while still allowing the Commission to fulfill its regulatory obligations?

Answer. I believe that the National Indian Gaming Commission should carry out its mission consistent with President Obama's commitment to Indian Country to reinvigorate the government-to-government relationship with tribes, which includes a commitment to meaningful tribal consultation under Executive Order 13175. Meaningful consultation is rooted in the United States trust responsibility to tribes and reflects the attitude that tribes, as sovereigns, have something valuable to contribute and requires good faith on the part of the Commission. Because the Commission also has a role to play in fulfilling this trust responsibility, the Commission must seriously consider and address input or concerns when making decisions that affect tribes and tribal gaming. Tribal feedback can provide valuable insights regarding how a proposed regulation or policy might function on the ground.

Meaningful consultation does not mean that the government should ever abandon or compromise its important missions or that tribes are given a de facto veto over proposed new policies. Instead, through meaningful government-to-government consultation the NIGC will be able to make well-informed, fully considered decisions.

Question 2. Class II Gaming (Bingo, and games similar to bingo). In recent years, the Commission has sought to establish a "bright line" between class II electronic bingo games and class III slot machines. The proposed regulations were controversial with mixed reviews from both tribes and states. In 2006, you testified before the National Indian Gaming Commission against these regulations. Can you explain your testimony in 2006, and discuss whether your position will change if you are confirmed as Chairman of the Commission? Do you believe that the NIGC has the legal authority to issue regulations that redefine Class II and Class III games?

Answer. At that NIGC hearing in 2006 I represented my Tribe's position—and not my personal position—by delivering my Chairman's testimony in his absence. Tulalip was opposed to that particular draft of Classification standards due to the effects of reclassifying machines in use at that time. The Commission eventually withdrew the proposed regulation, in the face of widespread tribal opposition, and in favor of Technical Standards.

The Commission has the authority to regulate Class II gaming, including adopting regulations to clearly define Class II gaming. I know that several federal courts have interpreted the statutory definition of Class II games under the Indian Gaming Regulatory Act, thus it is important that any regulatory definitions be consistent with established judicial interpretations of the authority that Congress has provided.

Question 3. Surplus Budget. We understand that the Commission has run a $10 million to $12 million surplus in recent years. As you know, the Commission's budget is funded entirely from fees collected from tribal governments. A number of tribes believed that this amount was excessive, and that it should be returned. Do you believe the Commission needs a surplus, and if so, what amount do you think is reasonable?

Answer. While I am aware that the NIGC's budget is funded through fees collected from tribal gaming enterprises, I am not sufficiently familiar with the NIGC's budgeting practices or process to assess whether a budget surplus is needed. If confirmed, I would examine this process, and consult with the tribes that pay these fees, to assess what actions, if any, might need to be taken.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN BARRASSO TO TRACIE L. STEVENS

Question 1. Role of Law Enforcement in Indian Gaming. In 2007, the Department of Justice charged 19 defendants related to an alleged racketeering enterprise and a scheme to cheat Indian casinos across the country out of millions of dollars.

I noticed that you did not include law enforcement as a stakeholder in the work of the NIGC. What is your position on law enforcement as it pertains to Indian gaming?

Answer. Law enforcement is an essential part of fulfilling Congress' goal of protecting Indian gaming. The role of the NIGC is to ensure that Indian gaming takes place in accordance with applicable civil laws and regulations. IGRA also reconfirms the role of the Department of Justice in enforcing criminal laws. Criminal law enforcement ranges from prosecuting individuals who are committing federal crimes against a tribal gaming enterprise to bringing action against the tribes for violations of federal criminal laws. If the NIGC finds information indicating a violation of federal, state, or tribal law, it provides what it has found to the appropriate law enforcement agencies.

Question 2. Will you work closely with the Department of Justice to ensure that the regulations adopted by the Commission will be enforced? If so, please explain how you intend to do that. What will you do to emphasize coordinated efforts between tribal, State, and federal investigators to identify and prosecute violations of federal law relating to Indian gaming?

Answer. I understand the importance of ensuring that tribal gaming remains free of criminal activity. Therefore, if confirmed, I will work with the Department of Justice and with other appropriate federal agencies with law enforcement jurisdiction in Indian Country, including the Internal Revenue Service; the Federal Bureau of Investigation; and the Department of the Treasury. In addition, and as particular matters may require, if confirmed, I will ensure that the NIGC is also working with the appropriate state and tribal law enforcement agencies. I am aware that NIGC maintains close relationships with these agencies through the Indian Gaming Working Group, an inter-agency entity consisting of federal agencies that work in Indian country and tribal law enforcement agencies. If confirmed, I will become more familiar with this process to determine if any additional coordination is needed.

Question 3. Tribal Consultation. In the biographical information submitted to the Committee, you mention that tribal consultation is very important and that the previous Commission did not engage in meaningful consultation with tribes while promulgating proposed regulations.

Explain what steps or processes you intend to use to engage in tribal consultation. Please be specific.

Answer. I believe that the National Indian Gaming Commission should carry out its mission consistent with President Obama's commitment to Indian Country to reinvigorate the government-to-government relationship with tribes, which includes a commitment to meaningful tribal consultation under Executive Order 13175. Meaningful consultation reflects an attitude that tribes, as sovereigns, have something valuable to contribute and requires good faith on the part of the NIGC. The Commission must seriously consider and address input or concerns when making decisions that affect tribes and tribal gaming. Tribal feedback can provide valuable insights regarding how a proposed regulation or policy might function on the ground.

Meaningful consultation does not mean that the government should ever abandon or compromise its important missions or that tribes are given a de facto veto over proposed new policies. Instead, through meaningful government-to-government consultation the NIGC will be able to make well-informed, fully considered decisions. If confirmed, I will examine the existing consultation process at the NIGC and ensure that it is aligned with E.O. 13175

Question 4. What is your view on the relationship between the NIGC and the Department of Justice regarding consultation?

Answer. I am aware that there have been instances in the past when the NIGC and the Department of Justice have coordinated their consultation efforts. Maintaining the integrity of Indian gaming requires close coordination with the Department of Justice. If confirmed, I will explore opportunities to collaborate with the Department of Justice.

Question 5. NIGC Review of Management Contracts. As you know, the NIGC has oversight and authority to approve or disapprove tribal management contracts at tribal gaming facilities. What is your opinion on the effectiveness of the management contract review process at the NIGC? What if anything, would you do to change it? Is legislation needed?

Answer. IGRA gives the Chairman the authority to review and approve management contracts for tribal gaming operations. Approval of management contracts is one area where the Chairman and the Commission exercise its trust responsibility to tribes to ensure the contracts are in the best interest of tribes and consistent with IGRA. While this process is controlled by regulations, I am not familiar with the specifics of the review process. If confirmed, I look forward to understanding the management contracts review process in more detail and will enter into consultation with tribes to determine what, if any, changes, including legislative changes, may be necessary to make the program more effective.

Question 6. On December 21, 2009, the Federal District Court for the Western District of Wisconsin, in the case of *Wells Fargo Bank, N.A., v. Lake of the Torches Economic Development Corporation*, held that the Trust Indenture agreement, which binds the Tribe to pay interest and principal on $46,615,000, is a management contract that was executed without prior approval from the National Indian Gaming Commission and that the agreement is void.

In light of this case, what are your plans for the NIGC to prepare to comply with this ruling? Will the NIGC implement a policy to review all financial agreements with tribes? If not all agreements, what kinds of agreements do you believe should be reviewed?

Answer. While the NIGC has no affirmative authority to review financial agreements under IGRA, given its role in approving management contracts, the Office of General Counsel will, upon request, review financial agreements for tribes and lenders or investors and provide a non-binding opinion on whether certain terms or conditions in the agreement might mean it meets the criteria of a management contract. If a financing agreement is considered a management contract, the Chairman will have to approve the agreement for it to be valid.

Question 7. Do you think the NIGC should have a role in ensuring that tribes are required to repay debt before paying its per capita payments? If so, what should that role be?

Answer. The NIGC has a statutory obligation to ensure that gaming revenues are used for their permissible purposes. Revenue allocation plans which allow for per capita payments are approved by the Assistant Secretary for Indian Affairs, but compliance under IGRA is also the responsibility of the Commission. If a tribe is not in compliance with these provisions in IGRA, then the NIGC may bring an enforcement action against the tribe. Whether or not a particular tribe is in violation of its revenue allocation plan, when it does not repay its debt before issuing per capita payments, has to be evaluated on a case by case basis, as each tribe's plan is different.

Question 8. NIGC Review of Existing Regulations. In the biographical information that you have submitted to the Committee, you mention that if confirmed, you will conduct a review of NIGC regulations to determine whether they are appropriate and consistent with statutory requirements.

What process or procedure will you use to undertake this review?

Answer. Due to the scope of such a review, it is my intention that, if confirmed, I would confer with the other commissioners and NIGC staff to determine how best to move forward with a comprehensive review of the regulations. I expect that this review will include consultation with the tribal nations and their gaming commissions to determine the best approach. If confirmed, this would be one of my first objectives.

Question 9. Based on your knowledge of current regulations, do you think any should be reworked or amended? If so, which regulations should be reworked or amended and why?

Answer. Rather than speculate at this time, this question is better answered in the context of a comprehensive review. If confirmed, such a review will be one of my first objectives.

Question 10. Do you consider tribal compliance with IGRA and IGRA regulations to be a top priority facing the NIGC?

Answer. I do believe that this is a top priority. Two purposes of the IGRA are; to ensure that an Indian tribe with gaming operations is the primary beneficiary of those operations and to make certain that gaming is conducted fairly and honestly by both operators and players. Compliance with the Act and the regulations is necessary to ensure the continued integrity of gaming.

Question 11. Loan from Tulalip Tribes. The biographical and financial information that you submitted to the Committee notes a $1,000 loan made to you by the Tulalip Tribes. Although you have indicated that you will recuse yourself from any

matters pertaining to the Tulalip Tribes, the NIGC continues to regulate the Tribe, which is the lender of the $1,000 loan you have agreed to repay.

Do you plan to pay off that loan prior to assuming your position as Chairman of the NIGC?

Answer. Yes, I do plan to pay off the loan prior to assuming the position as Chairman, if confirmed.

Question 12. Revenue Allocation Plans. The Indian Gaming Regulatory Act authorizes the Secretary of the Interior to approve an Indian tribe's Revenue Allocation Plan to ensure that net gaming revenues are not to be used for purposes other than to fund tribal government programs, provide for the general welfare of the tribe, promote tribal economic development, donate to charitable organizations, or help fund operations of local government agencies.

What efforts will you make to ensure tribal compliance with IGRA regarding Revenue Allocation Plans?

Answer. Use of net gaming revenues by tribes is an extremely important issue. The use of revenues for the purposes delineated in IGRA ensures that the goals of the Act are met–to ensure that tribes, as a whole, are the primary beneficiaries of their gaming operations; to encourage tribal self-sufficiency; to promote tribal economic development; and to create strong tribal governments.

If tribes wish to provide per capita payments to their members, they must have a revenue allocation plan approved by the Secretary of the Interior. As a supporter of tribal sovereignty and strong tribal governments, if confirmed, I will ensure close coordination with the Department of the Interior's Office of Indian Gaming for prompt receipt of approved revenue allocation plans; training and technical assistance to tribes regarding IGRA's requirements for the use of revenues; and, if necessary, enforcement actions to ensure compliance with federal and tribal gaming ordinances.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO TRACIE L. STEVENS

Question 1. For the record, do you support or oppose amending IGRA to expressly provide the NIGC with oversight authority in Class III minimum internal control standards (MICS)?

Answer. I come from a state with a very strong Class III regulatory program and so I have seen firsthand how it can work. However, I recognize that some states need help and, if confirmed, the NIGC under my leadership will look at this problem and identifying steps that can be taken to ensure that there are no regulatory weak links. If confirmed, I would welcome the opportunity to work with the Congress and Committee to find ways to best balance the role of tribes as the primary regulators of their gaming operations and existing Class III state compacts with current federal law governing implementation, enforcement, and oversight.

Question 2. Some say that a "CRIT fix" isn't necessary because many tribes have voluntarily adopted NIGC's Class III regulations as guidance. Do you believe existing Class III MICS (although unenforceable) should be relaxed?

Answer. In order to provide a considered answer to this question I would need more information, such as whether voluntary adoption of the regulations as guidance has generally worked, or not. I am told, however, that more than a dozen tribes in California have adopted the NIGC's MICS in their gaming ordinances, thus making them binding and enforceable by the NIGC, and that the MICS are incorporated into a number of tribal-state compacts, including those in Oklahoma, Arizona, and North Dakota, and in the Northern Arapaho Tribe's secretarial procedures. If confirmed as NIGC Chairman, I will assess this issue in more detail.

Question 3. IGRA prohibits Tribes from using gaming revenues for anything other than the following: to fund tribal government agencies; to promote the general welfare of its members; to promote tribal economic development; to help fund operations of local governments; and to donate to charitable organizations. Would you support amending IGRA to prohibit gaming revenues from being used to hire federal lobbyists, particularly those contracted to influence Indian gaming regulation?

Answer. The IGRA, at present, allows gaming revenue to be used for tribal governmental operations and those operations may include governmental affairs agencies that interact with other sovereigns, including states, other tribes, and the federal government If confirmed, I will review proposed legislation regarding the usage of gaming revenues by tribes, keeping in mind that tribes, like states, are sovereign entities.

Question 4. As a current Interior Department policy advisor, what level of say do you think local communities should have in the siting of casinos in their community? Do you support making the process of casino approval more transparent than it is today?

Answer. While the NIGC has no real role in the siting process, I am aware that under the Department of the Interior's trust acquisition regulations the public and local communities are notified of such acquisitions and are given an opportunity to express their views. In addition, the Department must comply with other federal laws, such as the National Environmental Policy Act, which may provide additional opportunities for the public and state and local communities to provide input into the process.

Question 5. "CRIT fix" opponents have argued that a Class III MICS aren't necessary because the Commission still has the authority to approve/disapprove Class III management contracts. Unfortunately, IGRA doesn't clearly define "management contracts." This leaves contracts with "vendors" or so-called "gaming consultants" without sufficient federal oversight. Take for example a 2007 case involving Mr. Ivy Ong, a man with a prior criminal record who was contracted by the Seminole Nation as a gaming consultant and later convicted of bribing tribal gaming officials to increase his cut of gaming revenues. Because Mr. Ong negotiated with the tribe as machine vendor, rather than a gaming manager, his contract was not reviewed by the NIGC, and Ong did not undergo a background check. The NIGC ultimately fined the Nation $11 million in penalties while Ong was only fined $5 million, making tribal members the losers here. Would you support amending IGRA to define term "management contract"? If not, how would you address this vulnerability and under what authority?

Answer. As I mentioned at the hearing and in the information I submitted to the Committee, one of my first objectives, if confirmed, would be to carry out a comprehensive review of the NIGC's regulations. It is through this process that I would gain the information needed to determine what, if any, changes may be necessary to make the program more effective.

Question 6. In your questionnaire, you support using technical assistance in lieu of a CRIT Fix to help tribes implement minimum internal control standards (MICS). How would you justify spending taxpayer dollars for technical assistance in an area that the CRIT decision says NIGC has no business regulating?

Answer. While the CRIT decision held the NIGC does not have the authority to enforce Class III MICS and thus may not use funds to do so; technical assistance is a different matter. NIGC has an obligation to ensure Indian gaming is being conducted fairly and training and technical assistance are necessary tools used by the Commission. The NIGC is required by statute to provide technical assistance to tribal gaming operations. I believe technical assistance is an appropriate and well spent use of NIGC funding, which is derived from fees collected from Indian gaming operations, so long as tribes seek technical assistance in implementing internal controls in their gaming operations to protect their revenue.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM COBURN TO TRACIE L. STEVENS

Question 1. Do you believe that accountability within Indian gaming begins with an informed tribal citizenry? If so, do you believe that tribal citizens should be given access to some or all data reported to the National Indian Gaming Commission from tribal gaming?

Answer. I strongly believe that transparency is desirable for the operation of any public enterprise. Under the IGRA there is no provision requiring transparency by tribal members, and by law the NIGC must keep proprietary commercial or financial information confidential and may release such information only to appropriate law enforcement agencies. The question of how much information to make available to the public is a decision left to the individual tribes. Tribes, as sovereigns, have many ways in which they communicate information relating to governmental functions and accountability to their members.

Question 2. Do you believe that the line between Class II and Class III gaming has been appropriately drawn?

Answer. I believe it is very important that the regulatory environment for Indian gaming be as secure as possible. If confirmed, I will review this issue as part of our comprehensive review of the regulations.

Question 3. President Obama promised to conduct "an immediate and periodic public inventory of administrative offices and functions and require agency leaders

to work together to root out redundancy." When do you plan to start this within the National Indian Gaming Commission, and when can we expect you to complete it?

Answer. I am aware of the President's commitment to put our Nation on a sustainable fiscal path and if confirmed, I will continue to support this objective, keeping in mind that NIGC is self-financing due to fees paid by the gaming industry.

Question 4. Which programs or initiatives within the National Indian Gaming Commission, if any, do you think can be eliminated because they are ineffective, duplicative, unnecessary or have outlived their purpose?

Answer. I agree that ineffective, duplicative, or unnecessary programs should be eliminated. If confirmed, ensuring that the NIGC's efforts are focused where they are needed will be one my first efforts and this will be informed by the review of existing regulations that I will carry out, and will include tribal consultation.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JON TESTER TO TRACIE L. STEVENS

Question 1. Internet Gaming. Internet gaming is getting a lot of attention lately. Where do you stand? Support it? If so, where should tax revenues go? Tribes? States? Federal Government?

Answer. There are any number of reasons to support or to oppose Internet gaming, just as there are with any expansion of gaming. I am aware that several bills have been introduced that would legalize Internet gaming. If confirmed, I would work with the Office of General Counsel to analyze the legislation and determine how it would interact with all other applicable laws and how it could affect NIGC's authorities.

Question 2. Class II Regulations. For the past few years, regulations on Class II gaming have been controversial. Some want to tighten them up. Others want to expand them. What are your thoughts?

Answer. I believe it is very important that the regulatory environment for Indian gaming be as secure as possible. If confirmed, I will include the Class II regulations in our comprehensive review of the regulations.

Question 3. Off-reservation gaming. Some oppose tribal governments purchasing land off-reservation, having DOI place it in trust, and then building a casino on it. When and where is it appropriate?

Answer. The Department of the Interior's Section 151 regulations on trust status for off-reservation land are implemented by the Secretary of the Interior. If confirmed as Chairman of the NIGC, I would not be involved in determining when such acquisitions might be appropriate.

Question 4. Indian hiring preference. To what extent has NIGC used an Indian preference policy in the past? Do you support? Will you expand its use?

Answer. If confirmed, I intend to support this policy. I believe it is beneficial in fulfilling the purposes of the IGRA. I am aware that the NIGC is in the process of developing an Indian preference policy and, if confirmed, I look forward to being part of that process.

Question 5. Consultation. Every issue between the government and Indian Country requires active communication. What are your plans for consultation and communication with tribal leaders as you make decisions at NIGC?

Answer. I believe that the National Indian Gaming Commission should carry out its mission consistent with President Obama's commitment to Indian Country to reinvigorate the government-to-government relationship with tribes, which includes a commitment to meaningful tribal consultation under Executive Order 13175. Meaningful consultation reflects an attitude that tribes, as sovereigns, have something valuable to contribute and requires good faith on the part of the NIGC. The Commission must seriously consider and address input or concerns when making decisions that affect tribes and tribal gaming. Tribal feedback can provide valuable insights regarding how a proposed regulation or policy might function on the ground.

Meaningful consultation does not mean that the government should ever abandon or compromise its important missions or that tribes are given a de facto veto over proposed new policies. Instead, through meaningful government-to-government consultation the NIGC will be able to make well-informed, fully considered decisions.

Question 6. Economic Development. What role do you think Indian gaming should play in economic development? Particularly on isolated, rural reservations? Does it really help, or create more problems associated with addiction?

Answer. One of the five specific purposes in the IGRA for which gaming revenue is to be used is to provide a statutory basis "for the operation of gaming by Indian

tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments." As I noted in my statement at my confirmation hearing, Indian gaming has provided a much-needed economic boost—in the form of revenue for community services and jobs—for many tribes. It has allowed some tribes to diversify economically into other industries and businesses. This source of employment is particularly important in isolated, rural reservations, and the revenue generated from Indian gaming operations is used to benefit tribal members through governmental programs that provide for the general welfare of Indian tribes and their members.

Question 7. Tribal Revenue Sharing. In my office, we talked about machine allotment/rent. For example, each tribe is entitled to operate X machines. They can either put them in their casino or rent them to other tribes. It sets up the situation where rich, urban tribes pay poor, rural tribes to rent the machines they can't use. Please explain how NIGC could make such a program work nationwide.

Answer. I understand that these types of agreements are possible only through the mechanism of tribal-state compacts. NIGC's ability to implement such a program nationwide is limited by IGRA's statutory regulatory structure, and would require the active participation and acceptance of each of the individual states where Class III slot machine gaming now occurs.

Question 8. Role as Chairman. Some say this is one of the most thankless jobs in DC (and it certainly has stiff competition!). Why do you want it? How do you see your role in this job? Reigning in Indian gaming? Expanding it? What do you think the past Chairman did right? What did he do wrong? How/why will you do a better job?

Answer. I see a unique opportunity to serve in this Administration working in collaboration with tribes and states to oversee and protect Indian gaming. I believe this must be a collective effort among these three regulatory groups. My background gives me a unique perspective, informed by an intersection between operations and policy. I have on-the-ground experience inside an operation, so I know what it is like to implement regulations and policies. I also know the process in which policies and regulations are made. In addition, because I come from Indian Country and I have experience in a tribal gaming operation, I am committed to the regulation and oversight of Indian Gaming and will be a strong enforcer of the law. In the past, the NIGC's relations with tribes have become strained, which ultimately may have been at the cost of effective oversight and efficient regulation. If confirmed, I hope to rebuild these relationships in order to strengthen both the NIGC's, and the tribes', ability to protect these initiatives that have made a difference for so many Indian people and communities.

Question 9. Experience. Some are concerned about your "lack of experience", because you are not a lawyer. Do you think they have good reason for that concern? What is your weak point? Strong point?

Answer. As I stated at my confirmation hearing, the NIGC has a staff of legal experts, and I believe what is needed most is leadership–in managing people, in strategic direction, and in building relationships. I believe my background, which gives me a unique perspective informed by both operational and practical experience, has prepared me for this opportunity. If confirmed, I will appoint a knowledgeable and experienced individual to be the General Counsel and would consult with that individual to advise me and other members of the Commission on the NIGC's legal responsibilities and to ensure compliance with statutes, regulations, executive orders and court decisions.

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