**STATEMENT OF**

**JONODEV OSCEOLA CHAUDHURI**

**NOMINEE FOR THE POSITION OF**

**CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION**

**BEFORE THE**

**SENATE COMMITTEE ON INDIAN AFFAIRS**

**UNITED STATES SENATE**

**MARCH 11, 2015**

Mr. Chairman, Mr. Vice Chairman, Members of the Committee, Hensci, or “greetings/hello” in the Mvskoke (Creek) language. Thank you for providing me this opportunity to discuss my interest and willingness to serve as Chairman of the National Indian Gaming Commission (NIGC). I am deeply humbled that the President has resubmitted my nomination to you. If confirmed, I intend to honor the President’s confidence and your support by serving the NIGC and the general public to the best of my abilities.

As you are aware, I appeared before this committee in a prior nomination hearing four months ago during the last Congress. I am excited to expand on my statements from last year and introduce myself to those of you who have recently joined the Committee.

With me today are my wife, Marissa Chaudhuri, and my sons Kanuux and Hamati. I am so very grateful for their continued inspiration, perseverance, and support. Kanuux, who is almost 8, is here despite his criticism that the previous hearing did not include snacks. Hamati, who just turned 5, is here as the last four months have had a marginally beneficial impact on his trustworthiness to behave in public. Unfortunately, my father is unable to attend today due to the heavy toll that any travel takes on him now. I was ecstatic that he was able to come to the Committee’s November hearing, and I know that he is at home in Arizona watching this hearing on the Internet in support of his son.

In my testimony from last year’s hearing, I provided you with an overview of my personal and professional backgrounds and the role that my family’s values and experiences have played in shaping my commitment to public service. Rather than restating all of that background, it is sufficient for me to say that that commitment to service continues to drive me in my role as Acting Chairman of the NIGC, and it is the basis for my continued interest in formal confirmation as Chairman. Please consider my testimony today to be an expansion of my November testimony, which I would appreciate being incorporated into this statement by reference.

It has been a profound privilege to work with and lead the highly skilled and committed team at the NIGC. I am proud of the work that we have done together to maintain stability in our operations and services during a period of significant transition. Beyond simply keeping the agency running smoothly, however, we have actively worked to strengthen the regulatory structure of the Indian gaming industry during my time at the agency. Much work remains, however.

As I mention at every opportunity, I am a firm believer in sound, sensible regulation of the Indian gaming industry. In addition to being consistent with the mandates of the Indian Gaming Regulatory Act (IGRA), I believe sound regulation is an essential pillar of support for the critical avenue to self-sufficiency and self-determination that Indian gaming has proven to be for many tribal nations. Sound regulation preserves public confidence, protects tribal assets, and promotes a safe and fair environment for all people who interact with the industry. I am committed to ceaselessly working to identify and employ all practical methods to support industry compliance with IGRA.

In order to soundly regulate, we need to have the internal capabilities to track and adjust to an ever-changing technological landscape. I have taken active steps to ensure that the NIGC stay ahead of technological developments in Indian gaming and general operations management. Last summer, I worked with my fellow Commissioner, Dan Little, and our senior leadership to use our recent headquarters move as an opportunity to virtualize our server environment and upgrade much of our hardware and audio-visual components. Additionally, we recently offered tribes the option of submitting fees through Pay.gov. These improvements have already improved our ability to coordinate with our regulatory partners and safeguard information we receive from them. Soon, we will be able to expand our training and technical assistance capabilities to remote locations through the use of targeted webinars and online trainings.

During my time as Acting Chairman, the Commission has engaged in formal tribal consultations on technology in Indian gaming. Further, in the performance of my Chairman-specific regulatory authorities, and as an ongoing matter, I regularly work with our compliance and legal professionals to assess whether various proposals and operations that employ unique and innovative technical approaches comply with IGRA. Through input received in our consultations as well as information gleaned in our day-to-day regulatory work, I have become increasingly mindful of the need to elevate and institutionalize our emphasis on staying abreast of technological developments.

To this end, we are actively working to develop a comprehensive approach to staying on top of technology developments in the field and utilizing the most up-to-date knowledge available in the performance of all agency functions, including our oversight functions, our training and technical assistance, and our internal operations. Over the last several months, we have assessed various avenues to implement a cohesive technology vision that cuts across all agency functions. Most recently, the Commission announced its intent to develop a technology division that will further these efforts. Without significantly altering the overall staffing of the agency, adding the voice of a technology director to our senior leadership team will elevate the role of technology internally and help inform future agency actions.

Although we already count among our numbers leading experts on gaming technology, the formation of this division is consistent with my philosophy that the preservation of critical agency expertise needs to be reflected in our agency structure and not be solely tied to the good fortune of having outstanding individuals on the team.

At the same time, I believe that it is imperative that we continue to attract and retain the most capable and committed professionals that we can. For this reason, I am proud that our last federal employee viewpoint survey showed improved results for the agency in 78% of the survey’s questions, many of the most significant gains being made in leadership categories. While significant work remains to be done, I believe the agency is on the right track in doing what it can to attract the most capable individuals to support its mission.

Identifying all practical methods to enhance industry compliance with IGRA requires an openness to work with and listen to relevant stakeholders. I have previously discussed my commitment to continued consultation and cooperation with tribes who, per IGRA, are the primary regulators of Indian gaming. In addition to being solidly grounded in the law and consistent with longstanding federal Indian policy, executive orders, and our agency’s strategic plan, continued emphasis on consultation with tribes and cooperation with the over 5,400 tribal gaming regulators in the field is simply the most efficient and practical way for the NIGC to fulfill its statutory responsibilities.

I was proud that the Commission engaged in targeted consultations last year on topics that included technology in Indian gaming, and we are actively working to implement many of the helpful recommendations received through that dialogue. Additionally, the Commission recently announced a robust slate of additional consultations to take place this spring that will help us to further improve our regulatory and operational functions.

In addition to formal tribal consultation, the NIGC must work closely with other agencies within the federal government as well as state regulators. While the NIGC may not always agree with its fellow federal, state, and tribal regulators, it is essential that we have open and frank communication. I am committed to improving those working relationships.

While I absolutely will continue to listen to all relevant stakeholders, I recognize the importance of adherence to an independent internal vision of regulation consistent with the principles of IGRA. In the performance of my Chairman-specific duties, whether approving gaming ordinances and management agreements or ensuring compliance and issuing appropriate enforcement actions, I have relied on some key guiding principles. They include the need to:

* Act within appropriate agency authority to address and mitigate activity that jeopardizes the integrity of Indian gaming and, by extension, the valuable self-determination tool that it represents;
* Swiftly act on anything that jeopardizes the health and safety of the public at gaming establishments, including employees and patrons;
* Engage in sound regulation without unnecessarily stymieing lawful economic development activities; and
* Protect against anything that amounts to gamesmanship on the backs of tribes.

As someone who has witnessed the undeniable benefits the Indian gaming industry has provided to many Native communities, I know the importance of protecting it. It is not the job of the NIGC to artificially inhibit growth or the entrepreneurial spirit of tribes, however, it is our job to ensure that a strong regulatory structure is maintained so that the public continues to have confidence in the industry. An efficient, well-functioning, and effective regulatory structure protects the industry and promotes its integrity and health.

Keeping these principles in mind has been quite critical for me in making the challenging decisions that I have already made as Acting Chairman, and I am comfortable that they will provide appropriate guidance to me should I be formally confirmed as Chair. These principles directly flow from the mandates of IGRA, and I believe adherence to them provides a clear path to sound regulation.

In conclusion, my personal and professional background has provided me with a deep appreciation for the transformative impact that gaming has had for many tribal nations and their efforts to pursue self-determination and economic self-sufficiency. I am honored by the opportunity I have been provided to assist in preserving the integrity of the Indian gaming industry.

In the performance of my regulatory duties, I am constantly reminded of the core values that my mother and father shared and championed, primary among them a conviction that public service is an expression of a person’s fundamental responsibility to the greater community good.  Last November, I discussed specific family experiences, both on my Mvskoke (Creek) side and my Indian-American side that contributed to these values.  In the year and a half since I joined the NIGC, I have done my best to be faithful to these values, and I believe my personal and professional perspective continues to be an extremely strong asset to the agency and the regulation of Indian gaming.  Should I be confirmed to serve as Chairman, I commit to you that I will continue to rely on these values to perform my duties in the most fair, principled, and practical manner possible.

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