

Testimony of General Counsel Lawrence S. Roberts
National Indian Gaming Commission
Senate Indian Affairs Hearing
November 17, 2011

Chairman Akaka, Vice-Chairman Barrasso, and Members of the Committee, I want to begin by thanking you for inviting the Commission to testify today. My name is Lawrence Roberts and I am a member of the Oneida Nation of Wisconsin. It is an honor to appear before you to testify in my capacity as General Counsel of the National Indian Gaming Commission (NIGC or Commission). Today, I will provide a brief overview of the Commission's history as well as the current size and location of NIGC offices today. This overview will hopefully prove to be helpful as the Committee proceeds with its hearing today.

The Indian Gaming Regulatory Act (IGRA) became law on October 17, 1988 and created the National Indian Gaming Commission (NIGC), a federal civil regulatory agency. Mr. Anthony Hope, the first Chairman of the NIGC, started at the Commission on May 25, 1990, more than a year-and-a-half after the enactment of IGRA. The second Commissioner, Mr. Joel Frank, Sr. was sworn into office on November 26, 1990 and the third commissioner, Ms. Jana McKeag, joined the Commission almost a year after the Chairman on April 10, 1991. In these early days, NIGC overcame common hurdles of a new agency before becoming operational, such as securing office space, hiring staff and promulgating initial regulations.

The agency proposed its first regulations on May 29, 1991, approximately a year into Chairman Hope's tenure. The first set of regulations concerned the collection of fees. Since the NIGC is now funded entirely on fees assessed on tribal gaming operations, promulgation of these regulations was a top priority and critical to the Commission. The

Fee regulations were finalized on August 15, 1991, nearly three years after the enactment of IGRA.

The Fee regulations were followed by regulations addressing other statutory duties of the Commission such as approval of gaming ordinances, approval of management contracts, and compliance and enforcement procedures. These and other regulations became effective on February 22, 1993. Thus, it was not until 1993 that the NIGC began to fully carry out its responsibilities under IGRA. The delay in promulgating regulations governing the approval of ordinances and management contracts may have slowed the entry of tribes into the gaming arena. During this interim period, the Department of the Interior continued to exercise authorities relating to the supervision of Indian gaming as provided in IGRA.

In early 1993, Chairman Hope explained that the Commission had seventeen employees and that an estimated 175 tribes operated 200 gaming operations. By October 1993, the NIGC had a staff of twenty-seven which included the three Commissioners, the General Counsel, six field representatives, financial analysts and administrative support staff.

Since 1993, the Commission has grown as the industry has grown. We have gone from twenty-seven employees in 1993 to seventy-three employees in 2000 to one hundred and twenty-six in 2010. Currently the agency has seven regional offices, along with three satellite offices located throughout the nation. Since becoming operational, the Commission has continued to review, amend and promulgate regulations as the Indian gaming industry has matured. The Commission is currently in the process of reviewing

its regulations and seeking input from Tribes and the public in an effort to identify areas of improvement and any needed changes

The Commission is the Federal civil regulatory agency for Indian gaming, with the Department of the Interior performing discrete functions pursuant to IGRA. As the Committee is well aware, several Congresses have considered legislation that would authorize internet poker or internet gaming. None of the internet gaming bills currently pending before Congress provide NIGC with a regulatory role. NIGC is not in a position to speculate on the particulars of any legislative proposal for which there is no clear role contemplated for NIGC.

This concludes my testimony. Thank you again, Chairman Akaka, Vice-Chairman Barrasso and Members of the Committee for your time and attention today. I am happy to answer any questions that you may have for me.