



**NIGC Chairman E. Sequoyah Simermeyer  
Remarks to the UTTC Tribal Leader's Summit, September 5, 2023  
Bismarck Event Center, Bismark, North Dakota**

Good afternoon, I am Sequoyah Simermeyer. I am a member of the Coharie Tribe from North Carolina and since 2019 I have served as the presidentially appointed Chairman of the National Indian Gaming Commission. My colleague on the Commission, Vice Chair Jeannie Hovland, sends her regards and well wishes to everyone here today.

The UTTC Tribal Leaders Summit is unlike any other gathering in Indian country because it brings together critical perspectives including students and elders to help tribal leaders and the communities they represent to prepare and innovate for the future. The Summit exemplifies the value of diplomatic collaboration and on behalf of the National Indian Gaming Commission, I am honored to be part of what is taking place today.

The NIGC is headquartered in Washington D.C. with eight offices across Indian country and since 1988 it has been Indian gaming's federal regulatory body. In fact, it is the only federal body that regulates gaming activity and is part of the unique multi-jurisdictional regulatory framework that includes thousands of tribal regulators; many of whom are like the regulators in North and South Dakota in that they have decades of regulatory experience.

Indian gaming includes over 500 operations licensed by nearly 250 tribal governments on Indian land in 29 states. Indian gaming is consistently a significant part of the legal gaming market in the United States and has a record annual revenue of over 40 billion dollars. And, even more important than the historic revenue Indian gaming is experiencing today, Indian gaming is diverse—nearly 55 percent of all operations, many in rurally located areas of Indian Country, account for less than 6 percent of the 40-billion-dollar revenue. This means that often Indian Gaming is often a job creator, a supplement to essential government programs, a means to build tribal regulating capacity, and an additional tool for tribal communities to achieve their goals for the future. Indian gaming exists for tribes, tribes do not exist for Indian gaming.

To learn more about the NIGC, I would encourage you to use the QR code [\[LINK\]](#) on the next slide to see the Agency's most recent report on its activity.

As you participate in the wide range of valuable conversations taking place over the next few days, I want to briefly share three points from a national regulatory body's perspective on efficient and effective regulation. First, the importance of balancing authority and the application of that authority; second, the importance of planning for workforce capacity; and finally the responsibility to be responsive to and understand the local implications of risk.

First, a regulatory body must balance the scope of its authority and the application of that authority.

The Indian Gaming Regulatory Act was passed in 1988, this October you may hear more about the Federal statute's 35th anniversary. The law established the NIGC, and it set up a multi-jurisdictional

system of oversight. This system created for the first time a role for state governments thus altering tribes' inherent authority to conduct and regulate gaming on Indian land and it also created the NIGC.

IGRA's policy objectives shape how Indian gaming's regulators meet our responsibilities today. And like other industry regulators, we best achieve these responsibilities through effective and efficient methods of oversight.

Some important considerations shape the scope of the NIGC's authority under IGRA.

Prior to IGRA becoming law, federal attention to self-determination policies sought to improve the United States' intergovernmental relationships with tribes and improve economic opportunity by supporting tribal governmental and regulatory capacity. This, along with the newly designed multi-jurisdictional regulatory framework for Indian gaming, are important backdrops to IGRA's enactment and continue to set Indian gaming apart from other parts of the gaming industry.

Over the last 30 years important judicial determinations on topics such as the NIGC's role in regulating class III activity—which includes slot machines and most card games and has implications for how the internet platform is developed for game offerings— as well as oversight responsibility to approve certain financing or consulting arrangements with outside parties has further defined NIGC's authority.

And IGRA speaks directly to the scope of NIGC's authority by considering the dynamic nature of the Indian gaming industry's evolution and growth. This includes creating Agency accountability through clear directives to provide timely technical assistance as part of a compliance program that changes as the industry evolves, and to plan Agency operations around a fee-based system of funding tied to industry performance and size.

A regulator's application of its authority is a balance to the scope of its authority.

Gaming regulators play a distinct role in mitigating an Indian gaming operation's risk by assessing the impact threats may have on an operation's activity. This role is guided by lawmakers' policy objectives and balanced against the likelihood and severity of negative outcomes given the breadth and burden of regulation. Also important is the regulator's understanding of external factors. The NIGC's outreach and communication with stakeholders and tribal governments is a critical function for the Agency to maintain if it is to have an accurate picture of how emerging factors could potentially alter the effect of regulatory oversight. In our experience, the impact on existing regulation due to trends from a global pandemic, regional competition, or the industry's adoption of new technology can only be understood through outreach and collaboration.

In addition, NIGC must understand emerging threats when the agency applies its authority. By monitoring for bad actors, critical events and unanticipated industry fluctuations the NIGC can better adjust its regulatory response and planning. The rise in ransomware attacks is one such example. And in the cyber security area, the NIGC can learn from non-gaming industries. This knowledge makes us both more precise and helps avoid recreating oversight methods already proven in another industry.

Second, in addition to balancing the scope and application of its authority, a regulatory body must be a good steward of its workforce capacity in order to achieve efficient and effective regulation.

In recent years the NIGC has been promoting a national campaign primarily through social media titled the 3 For 35. The project asks tribal regulators to contemplate three areas of their workforce development efforts. 1. How to retain Institutional Knowledge— as many regulatory bodies celebrate 20- and 30-year anniversaries and many key officials retire, maintaining operational knowledge for how to meet regulatory responsibilities is critical. 2. How to identify future skill needs —as technology grows to become both a threat and a commercial opportunity for Indian gaming, how are tribal regulators identifying the new skills needed to meet those changes. 3. How are workforce pipeline’s cultivated — whether a rural community or a highly competitive urban community, or in a community where an unexpected event like a pandemic can threaten the continuity of operations it is important for tribal leadership, regulators, and industry to coordinate on developing paths to identify and support new talent in the regulatory workforce.

Through this campaign we are emphasizing how regulatory bodies need to shape and identify the right size and use of resources for the invaluable human capital necessary to meet the regulatory body’s mission.

And a third and final consideration in addition to balancing the scope and application of authority as well as preparing for a future workforce, is to ensure that a regulatory body actively collaborates with stakeholders and lawmakers. Specifically collaboration should occur around the topic of how a regulatory framework responds to the needs of the communities and governments impacted by the regulatory framework.

I said before Indian gaming exists to serve tribal communities and not the other way around. In recent years the NIGC has given particular attention to how Indian gaming’s regulatory framework provides flexibilities based on where risk actually lies. At its core, any gaming regulatory body—whether at a tribe, state or in a foreign nation— must uphold stringent licensing programs, promote customers’ confidence in the industry’s integrity, and protect gaming assets.

In this part of Indian country in particular, the vice chair and I heard and clearly understood the importance of meeting these responsibilities in a balanced way. For example, in consultation with tribal governments we promulgated regulations to provide new flexibilities for the oversight of small and charitable operations. This included reducing audit requirements and institutionalizing waiver processes that were unnecessary burdens where the Commission found there was not a risk. In addition, very recently the Commission promulgated new regulations to create more efficient and effective background and licensing requirements for key employee and primary management officials in tribes’ gaming operations. By accounting for the expectation of federal lawmakers, operations’ hiring practices, and the capacity for tribal regulatory bodies and tribal lawmakers to mitigate risk by licensing employees; the NIGC’s modernized its federal regulations to avoid a one size fits all approach and to empower tribal governments to shape the goals for their own background and licensing programs.

Effective and efficient regulation accounts for the shared interest governments, consumers, and industry stakeholders have in protecting gaming assets. It honors tribal governments’ sovereign authority, recognizes the cross-jurisdictional effects of gaming regulation, protects Indian gaming’s decades-long reputation for integrity, supports responsible industry innovation, and promotes Indian gaming’s continued potential for a positive and sustainable impact on regional economies and tribes’ capacity to govern. For the NIGC, effective and efficient regulation makes sense.

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I am confident this week will be a productive and successful collaboration across a broad section of important policy areas. In the coming weeks as you hear more about IGRA's enactment 35 years ago this October, I hope your discussions today and in the future on non-gaming topics will benefit from the lessons in Indian Gaming's regulatory framework. From balancing the scope and application of its regulatory authority, to preparing for a future workforce, and to ensuring regulations are responsive to the reality of an industry's success and its reputation for integrity; your civic engagement at the local level and insights from non-gaming disciplines are important to Indian gaming. The Indian gaming regulatory community can learn from and needs your views for the industry's continued success over the next 35 years.

Thank you for your time today.

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