

July 12, 2021

Summary of proposed change to 25 C.F.R. § 559.2

National Indian Gaming Commission

The National Indian Gaming Commission seeks tribal comment and suggestions on changing 25 C.F.R. Part 559, Facility License Notifications and Submissions, to require the submission of the *name and address of the property* only if known at the time when a facility license notification is submitted to the NIGC Chair.¹

NIGC regulations requires the name and address of the property to be included on the written facility license notifications sent to the NIGC Chair to ensure that each place, facility or location where class II or III gaming will occur is located on Indian lands that is eligible for gaming.² The Commission understands, however, that the proposed name and address of a new facility may not have been established at the time notice of a proposed license is sent to the NIGC.

The Commission proposes the attached regulatory change to require the name and address only if known. The purpose of the change is to assist tribal governments or tribal gaming regulatory authorities that face challenges with meeting the regulatory requirement where a facility has not been issued a name or address.

¹ 25 CFR 559.2(b)(1).

² 25 CFR 559.1(a).

25 CFR § 559.2 - When must a tribe notify the Chair that it is considering issuing a new facility license?

(a) A tribe shall submit to the Chair a notice that a facility license is under consideration for issuance at least 120 days before opening any new place, facility, or location on Indian lands where class II or III gaming will occur.

(1) A tribe may request an expedited review of 60 days and the Chair shall respond to the tribe's request, either granting or denying the expedited review, within 30 days.

(2) Although not necessary, a tribe may request written confirmation from the Chair.

(b) The notice shall contain the following:

(1) The name and address of the property if known at the time of notice required in (a);

(2) A legal description of the property;

(3) The tract number for the property as assigned by the Bureau of Indian Affairs, Land Title and Records Offices, if any;

(4) If not maintained by the Bureau of Indian Affairs, Department of the Interior, a copy of the trust or other deed(s) to the property or an explanation as to why such documentation does not exist; and

(5) If not maintained by the Bureau of Indian Affairs, Department of the Interior, documentation of the property's ownership.

(c) A tribe does not need to submit to the Chair a notice that a facility license is under consideration for issuance for occasional charitable events lasting not more than one week.