

September 20, 2021

Summary of potential change to 25 C.F.R. Part 585-Appeals on Written Submissions
National Indian Gaming Commission

The National Indian Gaming Commission seeks tribal input, feedback, and suggestions concerning whether it should make two substantive changes to the appeals on written submissions regulations, 25 C.F.R. Part 585. The first relates to motion practice and the other to settlement.

Motions

NIGC regulations at 25 C.F.R. § 585.4 provides that in appeals on written submissions to the Commission, the Chair may not file or respond to motions. The Commission shares the attached proposed regulatory change to 25 C.F.R. § 585.4 to allow the NIGC Chair to file motions in appeals on written submissions and to respond to motions when invited, directed, or granted leave to do so by the Commission.

Settlement

NIGC regulations provide a structure for settlement in proceedings before a Presiding Official,¹ but not for proceedings on written submissions to the Commission. The Commission suggests addressing this discrepancy by establishing the attached settlement process. It is similar to that provided for in PO hearings, with some necessary modifications to suit appeals directly before the Commission.

¹ 25 C.F.R. § 584.10.