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CHEROKEE NATION GAMING COMMISSION

ADMINISTRATIVE PROCEDURES ACT POSTING

**TITLE:** Proposed Cherokee Nation Gaming Commission Rules and Regulations

**TYPE OF ACTION:** Notice of Proposed Rule

**PROPOSED RULES:**

Game Authentication Terminal (GAT) Protocol – Supplementary Technical Standards

**PUBLICATION DATE:** 1 May 2019

**SUMMARY:**

The purpose of the attached proposed rule is to implement a new method for verifying electronic gaming machines that have been certified by an independent test laboratory for use in tribal gaming facilities under the jurisdiction of the Cherokee Nation Gaming Commission.

**AUTHORITY:**

Title 4 CNCA §§ 22, 27, and 41  
Tribal-State Compact Part 3 (5), (10), (11), and (12)  
Tribal-State Compact Part 4 (B)  
State Gaming Act – Section 13  
NIGC MICS § 543.8 (g)  
NIGC MICS § 542.13 (g)  
NIGC § 547  
Class III Guidance – Section 5 (e)

**REGULATORY ANALYSIS:**

No regulatory analysis of the revised rule was performed.

**COMMENT PERIOD:**

Written comments must be received on or before 5 p.m., Friday, 31 May 2019.

**SUPPLEMENTARY INFORMATION:**

Comments may be submitted electronically at [gaming-commission@cherokee.org](mailto:gaming-commission@cherokee.org). Written comments may be sent to the Cherokee Nation Gaming Commission, P. O. Box 627, Tahlequah, OK 74465 and must be postmarked by the date above.

A copy of the current Cherokee Nation Gaming Commission Rules and Regulations may be obtained by submitting a request electronically or in writing using either of the above electronic / physical addresses.

The Tribal-State Compact may be accessed by visiting the State Compliance Agency website at [www.ok.gov/OSF/Tribal\\_Gaming](http://www.ok.gov/OSF/Tribal_Gaming).

**PUBLIC HEARING:**

Persons requesting public hearings or submitting comments must include their name, address, phone number, and e-mail address, if the submission is electronic, but may request this identifying information be kept confidential. Anonymous comments will not be accepted.

A request for a public meeting shall not end before fifteen- (15) days following the public notice of all responses to written comments. A request for a public meeting shall include a statement of the issues desired to be discussed and a summary of the argument supporting the person's position on the issues. A public hearing on a rule proposed to be adopted may not be held earlier than twenty- (20) days after notice of its location and time is published on the website.

Public hearings may be held only from 8:00 A.M. to 10:00 P.M. on Monday thru Saturday. The public hearing shall be recorded by audio, audio and video, stenographic or other means.

Persons requesting an opportunity to comment at a public meeting may be required to register by name and indicate whether they support or oppose the rule or a part of the rule.

## **BACKGROUND:**

The Indian Gaming Regulatory Act (IGRA) was enacted by the United States Congress on 17 October 1988, establishing the National Indian Gaming Commission (NIGC). Under the IGRA, the NIGC is charged with regulating Class II gaming and certain aspects of Class III gaming.

The Cherokee Nation adopted Legislative Act 30-89 on 8 April 1989 establishing the Cherokee Nation Gaming Commission (CNGC) to regulate the conduct of gaming owned and operated by the Cherokee Nation. The Act was amended several times with the last revision being passed by the Tribal Council in July 2014 and approved by the National Indian Gaming Commission (NIGC) in October 2014.

The Cherokee Nation entered into a gaming compact with the State of Oklahoma in 2005. Within the Compact, the Nation agreed to play Covered Games that meet the requirements of Sections 11 – 18 of the State Gaming Act. These sections provide the basis for technical standards governing the functional characteristics of Covered Games. From these sections, the State of Oklahoma and tribes that entered into the model compact agreed upon a set of technical standards<sup>1</sup> for independent testing laboratories to use to evaluate and certify covered games.

The NIGC Minimum Internal Control Standards (MICS) require tribal gaming regulatory agencies to verify Class II games using certifications provided by independent testing laboratories, indicating they comply with the MICS as well as the Minimum Technical Standards for Class II Gaming Systems and Equipment (25 C.F.R. Section 547). (See 25 C.F.R. Sections 543.8 (g) Technological Aids to the Play of Bingo and (h) Operations; NIGC Guidance for Class III Gaming Systems Section 5 (e) (this section is based on Section 542.13 (g); the CNGC is obligated under the Compact to adhere to MICS that meet or exceed 25 C.F.R. Section 542)).

Both the MICS and the Compact require verification of game software using independent testing laboratory certifications; however, both documents do not prescribe the method for such verifications. The CNGC has utilized software verification tools available through recognized testing laboratories and/or from a gaming vendor. These tools utilize industry accepted communication protocols that have been available for decades to verify the unique software signatures provided by testing laboratories.

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<sup>1</sup> The Oklahoma Tribal-State Compact Provisions as Contained in SB1252 that Passed by Voter Initiative on November 2, 2004, as Approved by the Secretary of Interior V2.0 (21 July 2011)

The Gaming Standards Association, an international trade association made up of game manufacturers, suppliers, operators, and regulators, published the Game Authentication Terminal protocol (GAT) for use by regulators to verify game software and firmware. The intent behind GAT is to provide a more efficient method for verifying game software. Using traditional software verification tools, regulators can spend as little as 20 minutes and as much as 2 hours verifying a single piece of software whereas using GAT allows the verification process to be shortened by half or greater.

Part 5 (A) of the Compact states: “(t)he tribe shall promulgate any rules and regulations necessary to implement this Compact.” Whereas the CNGC wishes to maximize its efforts in securing game software utilizing available technology, the attached standards are intended to supplement Section 5.2.22 of the technical standards for Compact Covered Games (*see note #1*) as well as for verifying software for Class II technological aids.

# CHEROKEE NATION GAMING COMMISSION

## GAME AUTHENTICATION TERMINAL (GAT) PROTOCOL

**PURPOSE:** This rule establishes the minimum standards for authenticating critical program storage media (CPSM). The objective of the technical standard is to require electronic gaming machine (EGM) manufacturers to support a port and protocol, referred to as game authentication terminal (GAT), for EGM verification. GAT would permit a Cherokee Nation Gaming Commission (Commission) agent to authenticate items defined as CPSM external to the EGM's locked logic area. In short, the central processing unit (CPU) board and CPSM will not be required to be removed in order to verify content.

1. Electronic gaming machine (EGM) platforms submitted for approval after mm/dd/yyyy, shall provide the following support for authenticating critical program storage media (CPSM):
  - A. Employ a {GAT} verification mechanism, approved by the Commission, which authenticates all CPSM. The authentication mechanism shall:
    1. Be accessible via a communication port and protocol approved by the Agency;  
*Note: The port must be a free port not utilized for communications to a system or other components. If an existing platform does not have a free port the manufacturer can request a waiver from Cherokee Nation Gaming Commission.*
    2. Possess an approved communication port located within the locked EGM cabinet and be accessible without requiring access to the locked logic compartment;
    3. Provide on-demand authentication of each EGM CPSM. This function shall not require the EGM power to be cycled and the execution time shall not exceed twenty (20) minutes;
    4. Generate a unique signature for each CPSM utilizing Secure Hashing Algorithm-1 (SHA-1) with Hash-Based Message Authentication Code (HMAC), as defined by the National Institute of Standards and Technology (NIST). Hashing methodologies will be continually reevaluated by the Agency; and
    5. Provide support for escrowing verification results. Verification results shall be preserved and retrievable pending a subsequent verification request or a loss of power; and

*Note: This regulation is defined as the game must allow an authentication to be sent to the game then after a disconnect of communications, retrieved later. During the*

*disconnect of communications it is recommended that the game be capable of being put back into a playable state. If this is not possible, the game should at least be capable of being placed into an out of service state.*

- B. Provide means for the use of third-party authentication tools approved by the Cherokee Nation Gaming Commission.
- 2. All EGM platforms submitted for approval prior to mm/dd/yyyy, possessing a communication port, paragraph (1) (A) (2) notwithstanding, shall comply with subsection (1) (A) of this rule by mm/dd/yyyy, by upgrading the CPSM to meet compliance unless otherwise approved in writing by the Commission.

***Note: Legacy EGM platforms which do not offer a communication port are excluded from this requirement.***

*[In summary, this regulation sets forth a mandatory timeline for full support of the GAT protocol. After MM/DD/YYYY, all new platforms certified for use in the Cherokee Nation jurisdiction must support the GSA GAT protocol, specifically version 3.50 or higher. Thereafter, all platforms certified and operating prior to MM/DD/YYYY, and which possess an available communication port, shall provide GSA GAT protocol support via an operating system upgrade, unless approved otherwise in writing by the Cherokee Nation Gaming Commission.]*