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CHEROKEE NATION GAMING COMMISSION

ADMINISTRATIVE PROCEDURES ACT POSTING

**TYPE OF ACTION:** Response to Public Comments

**PROPOSED RULES:**

Chapter VII – I – Game Authentication Terminal (GAT) Protocol – Supplemental Technical Standards

**PUBLICATION DATE:** 1 May 2019

**COMMENT PERIOD DEADLINE:** 31 May 2019

**SUPPLEMENTARY INFORMATION:**

Comments to the proposed regulation for the Game Authentication Terminal (GAT) protocol were received prior to the above stated deadline. The attached memorandum, amended regulation, and associated implementation plan represent the CNGC response to the comments received.

**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.



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CHEROKEE NATION  
GAMING COMMISSION  
MEMORANDUM

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To : John Sparks, Chairman  
Steve Barrick, Vice-Chairman  
Jennifer Goins, Commissioner  
Janice Walters-Purcell, Commissioner

From : Jamie Hummingbird, Director

Date : 21 June 2019

Re : Response to CNE Comments RE: GAT Protocol

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On 26 April 2019, the Cherokee Nation Gaming Commission (CNGC) authorized the publication of the proposed Game Authentication Terminal (GAT) Protocol. Pursuant to the Cherokee Nation Administrative Procedures Act, the proposed regulation was posted to the Cherokee Nation website on Monday, 1 May 2019 for a thirty- (30) day comment period. The comment period closed on 31 May 2019.

Cherokee Nation Entertainment (CNE) submitted comments on Friday, 31 May 2019. No other comments were received.

To facilitate the Commission's review of the comments received and the proposed responses to each, I have duplicated CNE's comments below and have provided my suggested responses (in red).

#### Comments and Questions

- A. This protocol is being established as a "rule," but there are no identifying headings to enumerate this document as a CNGC Rule and Regulation. In the introductory section of the Rule it states "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." Is the reference to "note #1" a reference to footnote #1 in the

Introduction? Is this a supplement to a Compact document? CNE suggests clarification within the Rule.

Response: The draft language has been placed into standard CNGC regulation format, identified as Chapter VII – Authorization of Gaming Activity, Section I, Subject – Game Authentication Terminal (GAT) Protocol. Corresponding section references were also changed to reflect the new format.

The reference “see note #1” is intended to point to the footnote in the explanatory section of the APA posting. The footnote refers to the latest version of technical standards used by Independent Testing Laboratories (ITL).

The State Gaming Act (Act) contains basic technical standards that govern game function and financial accountability. Section 19 (A) of the Act requires electronic games to be certified by an ITL before they may be offered for play; however, an ITL cannot conduct sufficient testing of a game using only the limited information in the Act.

Section 9 (B) of the Act allows the Oklahoma Horse Racing Commission and tribes to modify the standards so long as the basic nature of the games is protected. Shortly after the Act’s passage, Gaming Laboratories International (GLI) offered a set of proposed technical standards intended to meet the Act’s specifications while also allowing electronic games to undergo standard certification testing. These standards and its subsequent changes were accepted by the OHRC, the State Compliance Agency, and tribes.

The development of the GAT protocol in recent years allows for a more efficient means for manufacturers, casino operators, and regulators to ensure the integrity of a gaming machine as well as its introduction into the gaming environment. The use of the GAT protocol is not a supplement to the technical standards contained in the Act but is complimentary to the verification methods allowed for under the Act’s technical standards and those accepted by the State and tribes.

B. Will the presence of this protocol be required to be identified in CNE’s e-game submission materials?

Response: Notice from CNE of whether a requested game is GAT compatible would be beneficial, but is not required by this regulation; notice would be provided in accordance with

the CNGC Gaming Systems Activity regulation. In brief, this information can either be confirmed (if CNE provides notice that a game is GAT compatible) or obtained from a game provider during the review and approval process. This information will also be needed to verify against shipping / certification letters from an ITL.

- C. Is this protocol for all Class II and Class III games after a certain date, or only for those machines/vendors that choose to use this protocol? If so, CNE would like to request a “grandfather” exception be added to this Rule in order to ensure a smooth transition over time. In the alternative, if this is not CNGC’s intention, CNE requests that the language be clarified to truly reflect the timeline and applicability of this Rule.

Response: GAT is used for testing Class II games and Class III (Covered) games. If a manufacturer chooses not to use GAT, they may request a waiver from the CNGC, as provided for in the rule. GAT will be the preferred method for testing games but not at the expense of prohibiting games that do not offer GAT authentication.

The vast majority of game manufacturers offer games in both GAT & non-GAT versions, making it possible for them to operate in any jurisdiction.

Absent the ability to use GAT, existing games and future games will be tested using current testing protocols and procedures.

- D. If Comment C above is for all Class II and Class III games after a certain date, CNE would like this Rule republished with a proposed date so that CNE management can adequately analyze the business impact of this Rule on CNE’s gaming operations.

Response: The rule is expected to apply to all manufacturers and games after the effective date set by the CNGC; the date was not originally specified due to the uncertainty inherent in the administrative rulemaking process. However, as explained above, the net effect of the rule’s implementation will not have a negative effect on casino operations; any effects felt will be to the operation’s benefit in the form of the more expedient delivery and play of games.

- E. CNE requests a definition for “Legacy EGM platforms.” Does this include all e-games currently on the floor at CNE’s gaming operations without this protocol?

Response: The term “Legacy EGM platforms” has been reworded to more clearly reflect the intended meaning and application of the rule.

- F. CNE requests language of who will be the responsible parties for communicating these deadlines and GAT requirements to the game vendors.

Response: Once approved with a noted effective date, the CNGC will send notice to all current game providers and ITLs. Future game providers will also be made aware of the GAT option at the time of game submission. CNE may also provide notice to future vendors, at its discretion.

### **Other Noted Changes**

- ∞ The date fields contained in the draft rule have been changed to reflect non-date-specific language – e.g. “from the effective date of this rule” – the specific dates for which will be included in the notice provided to the game manufacturers and ITLs as noted above.
- ∞ Some language previously listed as “Notes” have been converted into being a part of the body of the rule.
- ∞ Clarifying language was added to address replacements to software after the effective date of the rule as well as GAT being used in conjunction with applicable technical standards.
- ∞ Terminology was simplified and corrected for consistency.

### **Implementation Plan**

In order to allow sufficient time to notify the Enterprise, game manufacturers/suppliers, and the independent testing laboratories, a proposed effective date of 1 September 2019 is recommended. A detailed implementation plan is attached indicating additional preparatory activities.

### **Recommendation**

With the noted changes in the proposed rule, and considering the proposed implementation plan outlined above, I recommend the Commission approve the Game Authentication Terminal (GAT) Protocol regulation.

# Cherokee Nation Gaming Commission

## GAT Implementation

1. 21 June 2019 – Final approval of rule; establishing 1 September 2019 as the effective date.
2. Identify any regulation/standard that may need to be updated to reference GAT (i.e., approved software verification methods).
3. Identify EGMs platforms on casino floor that currently support GAT; enlist aid of independent test labs and/or game manufacturers.
  - a. Work with those needing waivers & note exclusions;
  - b. Update CNGC database, & encourage CNE to update its database, to note GAT v. non-GAT.
4. Identify the necessary tools needed to implement GAT.
5. Provide notice of the GAT implementation timeline to:
  - a. Game manufacturers/suppliers
  - b. Independent Test Labs
  - c. Gaming management
  - d. State / NIGC (courtesy)
6. Outline/Flowchart new installation and testing processes, distinguishing GAT from non-GAT.
7. Meet with CNGC and Enterprise staff to train on new installation and testing procedures.



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CHEROKEE NATION GAMING COMMISSION  
RULES AND REGULATIONS

CHAPTER:	Authorization of Gaming Activity	CHAPTER #:	VII
SUBJECT:	Game Authentication Terminal (GAT) Protocol	SECTION – SUBSECTION:	I
EFFECTIVE DATE:	1 September 2019	SUPERSEDES MATERIAL DATED:	
APPROVED BY:		DATE:	21 June 2019

## 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~~ gaming machine verification. GAT would permit a Cherokee Nation Gaming Commission (~~Commission~~) agent to authenticate items defined as ~~CPSM~~ critical program storage media external to the ~~EGM's~~ electronic gaming machine 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.~~

## SCOPE

The provisions of this Section shall apply to [the Enterprise and](#) all manufacturers and/or suppliers of Class II and Class III (Covered Game) electronic gaming machines operating in or proposed to operate in a gaming facility 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)

## A. DEFINITIONS



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1. *Cherokee Nation Gaming Commission (CNGC)* – The regulatory body established by the Cherokee Nation to oversee and regulate the conduct of gaming on lands owned by the Cherokee Nation.
  2. *Enterprise* – The entity conducting gaming operations on behalf of or as authorized by the Cherokee Nation.
  3. *Electronic Gaming Machine (EGM)* – All components, whether or not technologic aids in electronic, computer, mechanical, or other technologic form, that function together to aid the play of one or more Class II or Class III games.
  4. *Game Authentication Terminal (GAT) Protocol* – A serial communication protocol developed by the Gaming Standards Association and used for identifying and authenticating gaming software and firmware in the field. GAT allows a master to connect to an EGM via a serial cable and to authenticate the software and firmware components within the EGM.
  5. *Platform* – Consists of software, ~~and~~ EGM cabinets, ~~and~~ associated hardware, ~~or a combination thereof~~.
  6. *Software* – Critical program storage media that affects the outcome of an electronic gaming machine – e.g. operating system, game theme, server version.

## B. GAME AUTHENTICATION TERMINAL (GAT) PROTOCOL

1. EGM platforms submitted for approval after ~~mm/dd/yyyy~~ the effective date of this rule, shall provide the following support for authenticating ~~CPSM~~ critical program storage media (software):
  - a. Employ a GAT verification mechanism, approved by the ~~Commission~~ CNGC, which authenticates all ~~CPSM~~ software. The authentication mechanism shall:
    - i. Be accessible via a communication port and protocol approved by the ~~Agency~~ CNGC;  
~~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 CNGC.~~
    - ii. Possess an approved communication port located within the locked EGM cabinet and be accessible without requiring access to the locked logic compartment;
    - iii. Provide on-demand authentication of each EGM ~~CPSM~~ software. This function shall not require the EGM power to be cycled and the execution time shall not exceed twenty (20) minutes;

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- iv. Generate a unique signature for each ~~CPSM~~ software 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~~ CNGC; ~~and~~
  - v. 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:~~
- A. ~~This regulation is defined as~~ The game software must allow an authentication request to be sent to the EGM then, after a disconnect of communications, retrieved later.
  - B. During the disconnect of communications it is recommended ~~that~~ the EGM 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~~ utilized by the ~~Cherokee Nation Gaming Commission~~ CNGC.
2. All EGM platforms submitted for approval prior to ~~mm/dd/yyyy~~ the effective date of this rule, possessing a communication port, ~~paragraph (1) (A) (2)~~ section B (1)(a)(ii) notwithstanding, shall comply with subsection (B) (1)(~~A~~ a) of this rule ~~by mm/dd/yyyy~~ within eighteen months of the effective date of this rule, by upgrading the ~~CPSM~~ software to meet compliance unless otherwise approved in writing by the ~~Commission~~ CNGC.

~~Note~~

3. ~~Legacy EGM~~ Platforms approved prior to the effective date of this rule that do not offer a communication port are excluded from this requirement.
4. Section B (1)(a) will apply to replacement platforms after the effective date of this rule.
5. GAT, when available, will be used in conjunction with the EGM technical standards for Class II and Class III games.