



July 16, 2019

Seth Pearman
Tribal Attorney
Flandreau Santee Sioux Tribe
P.O. Box 283
Flandreau, SD 57028
seth.pearman@fsst.org

Re: Submission of alternate standards to 25 C.F.R. Part 547

Dear Mr. Pearman:

I am writing in response to your request on behalf of the Flandreau Santee Sioux Tribe Commission on Gaming (FSSTCG) for review and approval of the "Alternate Standards to 25 C.F.R. Part 547." The alternate standards were approved by the FSSTCG on March 14, 2019, and your request was received by the National Indian Gaming Commission on March 18, 2019. The NIGC received a complete submission on May 16, 2019. Pursuant to 25 C.F.R. § 547.17(b), the NIGC Chair may approve or object to alternate standards approved by a tribal gaming regulatory authority.

Thank you for providing the alternate standards for my review. In addition to the alternate standards, your detailed submission provided documentation of several FSSTCG regulatory initiatives related to Class II gaming using mobile devices which, while not requiring my approval, were helpful in assessing the role of the alternate standards within the overall regulatory framework. For purposes of this letter, however, the attached chart titled "FSSTCG Alternate Standards to 25 C.F.R. Part 547" enumerates only the 25 C.F.R. Part 547 minimum technical standards and the proposed alternate standards.

The attached FSSTCG Alternate Standards to 25 C.F.R. Part 547 are approved as the alternate standards appear to achieve a level of security and integrity sufficient to accomplish the purpose of the standards they are to replace. If you have any questions, please contact Director of Technology Travis Waldo or Staff Attorney Steve Iverson at (202) 632-7003.

Sincerely,

A handwritten signature in blue ink that reads "Kathryn Isom-Clause".

Kathryn Isom-Clause
Vice Chair

Enclosure

cc: Patrick Bergin (pbergin@ndnlaw.com)

FSSTCG Alternative Standards to 25 C.F.R. Part 547

Part 547 Minimum Technical Standard	FSSTCG Alternative Standard
<p>25 C.F.R. § 547.2 <i>Class II gaming system.</i> 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 games, including accounting functions mandated by these regulations.</p> <p><i>Player interface.</i> Any component(s) of a Class II gaming system, including an electronic or technologic aid (not limited to terminals, player stations, handhelds, fixed units, etc.), that directly enables player interaction in a Class II game.</p>	<p>Class II Gaming System. All components, whether or not technologic aids in electronic, computer, mechanical, or other technologic form, such as a Class II Mobile Gaming System, that function together to aid the play of one or more Class II games, including accounting functions mandated by these regulations.</p> <p>Player Interface. Any component(s) of a Class II gaming system, including an electronic or technologic aid (not limited to terminals, player stations, handhelds such as a Class II Mobile Device, fixed units, etc.), that directly enables player interaction in a Class II game.</p>
<p>25 C.F.R. § 547.4(b)</p> <p><i>(b) Approved gaming equipment and software only.</i> All gaming equipment and software used with Class II gaming systems must be identical in all respects to a prototype reviewed and tested by a testing laboratory and approved for use by the TGRA pursuant to §547.5(a) and (b).</p>	<p><i>(b) Approved gaming equipment and software only</i> All gaming equipment, except for any Class II Mobile Device, and software used with Class II gaming systems must be identical in all respects to a prototype reviewed and tested by a testing laboratory and approved for use by the TGRA pursuant to § 547.5(a) through (c). Any Class II Mobile Device used with a Class II Mobile Gaming System must comply with the applicable requirements for such device set by the Federal Communications Commission. The operation shall ensure that any Class II Mobile Gaming occurs only on a Class II Mobile Device utilizing an operating system that has been reviewed and approved for use by the TGRA.</p>

Part 547 Minimum Technical Standard	FSSTCG Alternative Standard
<p>25 C.F.R. § 547.5(b)(1)(iv)</p> <p>The testing laboratory’s written report confirms that the operation of a player interface prototype has been certified that it will not be compromised or affected by electrostatic discharge, liquid spills, electromagnetic interference, or any other tests required by the TGRA;</p>	<p>The testing laboratory’s written report confirms that the operation of a player interface prototype, other than a Class II Mobile Device, has been certified that it will not be compromised or affected by electrostatic discharge, liquid spills, electromagnetic interference, radio frequency interference, or any other tests required by the TGRA. Any Class II Mobile Device must comply with the applicable requirements for such device set by the Federal Communications Commission.</p>
<p>25 C.F.R. § 547.7(d)</p> <p><i>Player interface.</i> The player interface must exhibit a serial number and date of manufacture and include a method or means to:</p> <ul style="list-style-type: none"> (1) Display information to a player; and (2) Allow the player to interact with the Class II gaming system. 	<p><i>Player Interface.</i></p> <ul style="list-style-type: none"> (1) Any player interface, except for a Class II Mobile Device, must exhibit a serial number and date of date of manufacture; (2) At the time of Class II Mobile Gaming software installation, a Class II Mobile Device shall be issued a unique identification number that shall be recorded by the operation. The Class II Mobile Device identification number shall not be transferable to a different Class II Mobile Device; (3) Any player interface must include a method to: <ul style="list-style-type: none"> (i) Display information to a player; and (ii) Allow the player to interact with the Class II gaming system. (4) Any player interface is restricted to one active log in per session.

Part 547 Minimum Technical Standard	FSSTCG Alternative Standard
<p>25 C.F.R. § 547.16(b)</p> <p><i>Disclaimers.</i> The Player Interface must continually display:</p> <ul style="list-style-type: none"> (1) “Malfunctions void all prizes and plays” or equivalent; and (2) “Actual Prizes Determined by Bingo (or other applicable Class II game) Play. Other Displays for Entertainment Only” or equivalent 	<p><i>Disclaimers.</i></p> <ul style="list-style-type: none"> (1) Except for Class II Mobile Devices, the Player Interface must continually display: <ul style="list-style-type: none"> (i) “Malfunctions void all prizes and plays” or equivalent; and (ii) “Actual Prizes Determined by Bingo (or applicable Class II game) Play. Other Displays for Entertainment Only” or equivalent. (2) For Class II Mobile Devices, the information in subsection (b)(1)(i)-(ii), must be displayed prior to initiating a session.
<p>25 C.F.R. § 547.16(c)</p> <p><i>Odds notification.</i> If the odds of winning any advertised top prize exceeds 100 million to one, the Player Interface must display: “Odds of winning the advertised top prize exceeds 100 million to one” or equivalent.</p>	<p><i>Odds Notification.</i></p> <ul style="list-style-type: none"> (1) If the odds of winning any advertised top prize exceeds 100 million to one, the Player Interface (excluding any Class II Mobile Device) must display: “Odds of winning the advertised top prize exceeds 100 million to one” or equivalent. (2) For Class II Mobile Devices, the information required by subsection (c)(1) must be displayed to the player prior to the start of game play.