



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

**JUL 11 2023**

The Honorable Joseph Rupnick  
Chairman, Prairie Band Potawatomi Nation  
16281 Q Road  
Mayetta, Kansas 66509

Dear Chairman Rupnick:

On May 26, 2023, the Prairie Band Potawatomi Nation (Nation) submitted to the Department of the Interior (Department) an amendment to the Prairie Band Potawatomi Nation- State of Kansas Gaming Compact (Amendment) for review and approval. The Department undertook a thorough review of the Amendment and the additional materials submitted by the parties.

Under the Indian Gaming Regulatory Act (IGRA), the Secretary of the Interior (Secretary) may approve or disapprove a proposed compact within 45 days of its submission. 25 U.S.C. § 2710 (d)(8). If the Secretary does not approve or disapprove the proposed compact within 45 days, IGRA states that the compact is considered approved by the Secretary, "but only to the extent the Compact is consistent with the provisions of [IGRA]." 25 U.S.C. § 2710(d)(8)(C). The statutory 45-day review period expired on July 10, 2023.

As a result, the Amendment is "considered to have been approved by the Secretary, only to the extent [it] is consistent with the provisions of [IGRA]." 25 U.S.C. § 2710(d)(8)(C). The Amendment takes effect upon the publication of notice in the Federal Register pursuant to Section 11(d)(3)(B) of IGRA, 25 U.S.C. § 2710(d)(3)B; 25 C.F.R. § 293.15.

A similar letter is being sent to the Honorable Laura Kelly, Governor of the State of Kansas.

Sincerely,

Bryan Newland  
Assistant Secretary - Indian Affairs

**AMENDMENT TO THE  
PRAIRIE BAND POTAWATOMI NATION -  
KANSAS GAMING COMPACT**

This Amendment to the Prairie Band Potawatomi Nation - Kansas Gaming Compact (the "Amendment") is entered into by the Prairie Band Potawatomi Nation, a sovereign federally recognized Indian nation (the "Nation"), and the State of Kansas. This Amendment shall take effect on the date on which this Amendment has been executed by the Nation and the State of Kansas, approved by the Secretary of the Interior or approved by operation of law, and notice of such approval is published the Federal Register in accordance with applicable law. In consideration of the covenants and agreements of the parties herein below, and in accordance with Sections 33 and 35 of the Compact, the current Tribal-State Gaming Compact between the parties, effective as of July 6, 1995 (the "Compact") is hereby amended as follows:

1. Unless the context requires otherwise, capitalized terms used but not defined in this Amendment shall have the respective meanings given for such terms in the Compact,

2. Throughout the Compact, all references to "Prairie Band Potawatomi Nation in Kansas" are deleted and replaced with "Prairie Band Potawatomi Nation."

3, Section 3 (Authorized Class III Gaming) is amended as follows:

a. In subsection (A):

- i. the word "and" at the end of clause (10) is deleted;
- ii. the following text is added after clause (10): "(11) Sports Wagering; and
- iii. existing clause (11) is renumbered as clause (12).

b. In subsection (B), clause (1), the phrase "sports betting," is deleted.

c. In subsection (F), the existing text is deleted in its entirety and replaced with the following:

(F) (1) Subject to Subsection (F)(2), all Class III gaming authorized under this Compact shall be conducted at a facility established by the Tribe on its Reservation,

(2) Remote sports wagers shall be accepted on a server or other computer equipment at a facility established by the Tribe on its Reservation. The parties agree (a) that in accordance with and for purposes of State and Tribal law, remote sports wagers originating within the boundaries of the State but outside of the Tribe's Indian lands within the meaning of the Indian Gaming Regulatory Act ("Indian lands") are sports wagers that take place on, and within the boundaries of, the Tribe's Indian lands where the server accepting

remote sports wagers is located, and (b) that the sports wagers described in clause (a) shall be referred to as "Hub-and-Spoke remote sports wagers" and the general model of sports wagering described in clause (a) shall be referred to as the "Hub-and-Spoke Model." The Tribe shall regulate all remote sports wagers pursuant to Tribal Law, Notwithstanding any provision of this Compact to the contrary, the Tribe (y) shall not accept any, remote sports wager where the player initiating the remote sports wager is located on another Indian tribe's Indian lands or where such remote sports wager is otherwise specifically prohibited by Federal law, and (z) shall not accept any Hub-and-Spoke remote sports wager unless the Hub-and-Spoke Model is expressly found to comply with the Indian Gaming Regulatory Act by any of the United States District Court for the District of Kansas, the United States Court of Appeals for the Tenth Circuit, the United States Court of Appeals for the District of Columbia Circuit, or the United States Supreme Court in a judgment that is final and not appealable; provided, however, that the Tribe shall not accept any Hub-and-Spoke remote sports wager if the Hub-and-Spoke Model is expressly found not to comply with the Indian Gaming Regulatory Act by any federal court of competent jurisdiction in a judgment that has not been reversed, overruled, or superseded, Nothing in this Compact precludes remote sports wagers received and accepted by the Tribe on the Tribe's Indian lands where the player initiating the remote sports wager is also located on the Tribe's Indian lands.

- d. In subsection (G), after the period insert the following:

This Subsection shall not prohibit the use of wagering accounts pursuant to the terms of the Tribal Gaming Regulations, where such wagering accounts do not extend or advance funds to the account holder,

4. Section 5 (Definitions) is amended as follows:

- a. In subsection (C), after the final occurrence of "Compact" and before the period, insert ", as amended from time to time".
- b. In subsection (H), after the word "conducted" and before the period, insert "including, solely with respect to remote sports wagering, the location of any server or other computer equipment used for receiving remote sports wagers".
- c. At the end of such Section 5 (Definitions), insert the following:

**(AH) Sporting Event.** "Sporting Event" means any professional or collegiate sports or athletic event, motor race event, or any other special event authorized by the Tribal Gaming Commission that has not occurred at the time wagers are placed on such event.

**(AI) Sports Wagering.** “Sports Wagering” means placing a wager or bet on one or more Sporting Events, or any portion thereof, or in the individual performance statistics of athletes participating in a Sporting Event, or combination of Sporting Events, by any system or method of wagering, including remote sports wagering originating within the boundaries of the State; provided, however, that “Sports Wagering” does not include a fee to play a fantasy contest or an entry fee to participate in e-sports.

5. Subsection A (Adoption of Tribal Gaming Regulations) of Section 7 (Tribal Gaming Regulations) is amended by inserting a new clause (3) as follows:

(3) Additional regulations adopted by the Tribal Gaming Commission in accordance with clauses (1) and (2) above for the purpose of regulating the operation and management of sports wagering shall include, at a minimum, regulations addressing the topics set forth on Appendix E.i

6. A new Appendix E, as set forth on the attached Schedule 6, shall be appended to the Compact.

7. Section 21 (Denial of License Application for Cause) is amended as follows:

a. In subsection (K), the existing text is deleted in its entirety and replaced with the following:

(K) has had a license to conduct gaming in another jurisdiction canceled or revoked for any reason.

8. Section 22 (Revocation or Suspension of License for Cause) is amended as follows:

a. In subsection (K), the existing text is deleted in its entirety and replaced with the following:

(K) has had a license to conduct gaming in another jurisdiction canceled or revoked for any reason.

9. Section 26 (Public Health and Safety) is amended as follows:

a. In subsection (C), the first sentence is deleted in its entirety,

10. Section 30 (Notices) is amended as follows:

a. Delete all text beginning with “Notice to the Tribe” through and including “Oskaloosa, Kansas 66066” and replace with the following:

Notice to the Tribe shall be sent to:

EXECUTION VERSION

Prairie Band Potawatomi  
Nation Attn: Chairman  
16281 Q Road  
Mayetta, KS 66509

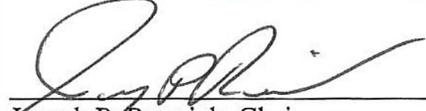
Prairie Band Potawatomi  
Nation Attn: Tribal Attorney  
16281 Q Road  
Mayetta, KS 66509

11. The terms and conditions of Sections 31 (Dispute Resolution) and 39 (Severability) of the original Compact are incorporated herein by reference and shall apply with respect to this Amendment.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed as indicated below.

**Prairie Band Potawatomi Nation**

**State of Kansas**

  
\_\_\_\_\_  
Joseph P. Rupnick, Chairman

  
\_\_\_\_\_  
Laura Kelly, Governor

Date: 20 May 23

Date: 4.28.23

Approved this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Assistant Secretary - Indian Affairs  
United States Department of the Interior

**SCHEDULE 6**

**I**

(New Appendix E)

**I**

**APPENDIX E**

**MANDATORY REGULATORY TOPICS FOR SPORTS WAGERING**

1. Licensee will take reasonable measures to prohibit athletes, coaches, referees, team owners, player and referee union personnel, or employees of a sports governing body or its member teams, from placing wagers on any sporting event overseen by such sports governing body.
2. Licensee will take reasonable measures to prohibit any person with access to nonpublic confidential information regarding a sporting event or wager in the possession of a licensee from placing wagers on such sporting event with such licensee.
3. Licensee will take reasonable measures to prohibit persons from placing sports wagers as agents or proxies for other persons.
4. Licensee will take reasonable measures to prohibit any person convicted of any felony or misdemeanor offense involving sports wagering, including, but not limited to, the use of funds derived from illegal activity to make sports wagers, placing sports wagers to conceal money derived from illegal activity, the use of other individuals to place sports wagers as part of any wagering scheme to circumvent any provision of applicable Tribal, federal or state law and the use of false identification to facilitate the placement of any sports wager or the collection of any prize in violation of applicable Tribal, federal or state law, from placing sports wagers.
5. Requirements for maintaining the security of sports wagering data, sports wagering customer data and other confidential information from unauthorized access and dissemination, provided that nothing in such regulations shall preclude the use of internet or cloud-based hosting of such data and information or disclosure as required by court order or applicable Tribal, state or federal law.
6. Requirements that upon request by an individual, such individual shall be restricted from placing sports wagers with a licensee and that such licensee shall take reasonable measures to prevent such individual from placing sports wagers.
7. Prohibition on sports wagers on any sporting, or athletic event where a majority of the participants are less than 18 years of age.
8. To the extent applicable, initial technical standards with respect to sports wagering shall be based upon Gaming Laboratories International GLI-33, Standards for Event Wagering Systems, Version 1.1, dated May 14, 2019.