



U. S. Department of Justice


Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

December 18, 2019

TO: UNITED STATES ATTORNEYS  
ASSISTANT ATTORNEYS GENERAL  
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

FROM: THE DEPUTY ATTORNEY GENERAL 

SUBJECT: Updated Directive Regarding Applicability of the Wire Act, 18 U.S.C. § 1084, to Non-Sports Gambling

On January 15, 2019, Deputy Attorney General Rosenstein issued a memorandum titled “Applicability of the Wire Act, 18 U.S.C. § 1084, to Non-Sports Gambling,” directing you to refrain from applying Section 1084(a) in criminal or civil actions to persons who engaged in conduct violating the Wire Act in reliance on the 2011 opinion of the Office of Legal Counsel (OLC), and for 90 days after the publication of OLC’s revised 2018 opinion. Deputy Attorney General Rosenstein’s memorandum of February 28, 2019 extended the window until June 14, 2019. A separate memorandum of April 8, 2019 directed you to refrain from applying Section 1084(a) to State lotteries and their vendors, if they are operating as authorized by State law, until you received further direction from the Department.

On June 3, 2019, a federal district court in New Hampshire issued an opinion holding, *inter alia*, that Section 1084(a) applies exclusively to sports gambling. The Department has appealed that decision to the U.S. Court of Appeals for the First Circuit.

On June 12, 2019, I issued a memorandum extending the forbearance period announced in Deputy Attorney General Rosenstein’s February 28 memorandum to December 31, 2019 or 60 days after entry of final judgment in the New Hampshire litigation, whichever was later. In light of the pending appeal, the forbearance period described in my June 12 memorandum is hereby extended until June 30, 2020.

All other provisions of the January 15, February 28, April 8, and June 12, 2019 memoranda remain in effect.

Any Department attorney who has questions regarding implementation of the Wire Act should contact the Criminal Division’s Organized Crime and Gang Section Deputy Chief Douglas Crow for further guidance.