



U. S. Department of Justice


Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

June 12, 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 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 is evaluating its options in response to this opinion. Accordingly, the forbearance period announced in the Deputy Attorney General's February 28 memorandum is hereby extended from June 14, 2019 to December 31, 2019 or 60 days after entry of final judgment in the New Hampshire litigation, whichever is later.

Providing this extension of the forbearance period is an internal exercise of prosecutorial discretion and does not create a safe harbor for violations of the Wire Act. All other provisions of the January 15, February 28, and April 8, 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.