



U. S. Department of Justice


Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

April 8, 2019

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

FROM: THE DEPUTY ATTORNEY GENERAL 

SUBJECT: Notice Regarding Applicability of the Wire Act, 18 U.S.C. § 1084,
to State Lotteries and their Vendors

On January 15, 2019, I 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. My memorandum of February 28, 2019, extended the window until June 14, 2019.

The OLC opinion did not address whether the Wire Act applies to State lotteries and their vendors. The Department is now reviewing that question. Department of Justice attorneys should refrain from applying Section 1084(a) to State lotteries and their vendors, if they are operating as authorized by State law, until the Department concludes its review. If the Department determines that the Wire Act does apply to State lotteries or their vendors, then Department of Justice attorneys should extend the forbearance period for 90 days after the Department publicly announces this position. This would allow State lotteries and their vendors a reasonable time to conform their operations to federal law.

All other provisions of my January 15, 2019 and February 28, 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.