Federal & Indian Gaming Law
Indian Lands of Federally Recomized With of the United States
Federal Wire Act Part 4

• 18 USC §1084

18 USC \$1084

(a) Whoever being engaged in the business of betting or wagering knowingly uses a wire communication facility for the transmission in interstate or foreign commerce of bets or wagers or information assisting in the placing of bets or wagers on any sporting event or contest, or for the transmission of a wire communication which entitles the recipient to receive money or credit as a result of bets or wagers, or for information assisting in the placing of bets or wagers, shall be fined under this title or imprisoned not more than two years, or both.

Federal Wire Act

• 18 USC §1084

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Federal Wire Act

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Federal Wire Act	
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Federal Wire Act	
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Federal Wire Act	
• 1084 (b) Nothing in this section shall be construed to prevent the transmission in	
interstate or foreign commerce of information for use in news reporting of sporting events or contests, or for the transmission of information assisting in the	

placing of bets or wagers on a sporting event or contest from a State or foreign country where betting on that sporting event or contest is legal into a State or

foreign country in which such betting is legal.

• 1084 b) Nothing in this section shall be construed to prevent the transmission in interestic or foreign commerce of information for use in new months of use the placing of bets or wagers on a sporting event or contest from a State or foreign country where betting on that sporting event or contest is legal into a State or foreign country in which such betting is legal.	
Fodoral Wire Act	
• 1084 (b) Nothing in this section shall be construed to prevent the transmission in interestate or foreign commerce of information for use in news reporting of sporting events or contest, or for the consolisation of information assuming in the placing of lasts or wagers on a sporting event or contest from a State or foreign country where butting on that sporting event or contest is legal into a State or foreign country in which such betting a legal.	
Federal Wire Act • Business of Betting or Wagering • "requires the sale of a product or service for a fee involving third parties, i.e., customers and clients, or the performance of "a function which is an integral part of such business —" Barborian	

- Information Assisting
 - Point Spreads
 - Account Information
 - Odds
 - \bullet ... Information a bookmaker uses to operate their business

Federal Wire Act

- "sporting event or contest"
 - DOJ View Pre-12/2011
 - In re: Master Card
 - Lombardo
 - DOJ View 12/2011-12/2018

Restoration of America's Wire Act

- Removes sporting event or contest from the first prohibition
 Deems all internet traffic to be interstate and foreign transmission whether or not information crosses state lines
 Leaves 1084(b) untouched
 Excludes fantasy sports from the Federal Wire Act prohibitions
 No exclusion for state regulated gambling



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- Restoration of America's Wire Act
 - Hearings are a disaster and the bill dies

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Federal Wire Act

- January 2019 DOJ Opinion
 - Reinterprets the Federal Wire Act prohibitions again

- Evolutionary Interpretation 2019 Opinion
- States there is no tension between the UIGEA and Federal Wire Act
 - Removes basis for interpreting the Federal Wire Act to not be applicable to intrastate wagering
- Implies NY and IL lotteries must not rely on the 2011 opinion to continue intrastate online lottery product sales

• 18 USC \$1084 • (a) Uncoversioning engaged in the Dimension of Control of

Federal Wire Act

• More fallout...

Federal Wire Act • New Hampshire District Court Opinion • What are the issues?	
Federal Wire Act • New Hampshire District Court Opinion • What are the issues? • Whether the Federal Wire Act applies to state actors? • Whether the Federal Wire Act prohibitions are limited to sports wagering?	
• New Hampshire District Court Opinion • Will the court rely on the Lyon's opinion that issued a jury instruction stating the Federal Wire Act applies to sports wagering only?	

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- New Hampshire District Court Opinion
 - Will the court rely on the Lyon's opinion that issued a jury instruction stating the Federal Wire Act applies to sports wagering only?
 - "I cannot defer to the circuit court's unconsidered dictum in Lyons"

- New Hampshire District Court Opinion
 - In the 2019 Opinion, the DOJ argues the sporting events and contests language only limits the first "information assisting" prohibition to sports wagering and thus the Wire Act's other prohibitions apply to all sports wagering, does the court agree?

Federal Wire Act

- New Hampshire District Court Opinion
 - In the 2019 Opinion, the DOJ argues the sporting events and contests language only limits the first "information assisting" prohibition to sports wagering and thus the Wire Act's other prohibitions apply to all sports wagering, does the court agree?
 - As the OLC concluded in 2011, the omission of the interstate-commerce modifier from the second clause "suggests that
 Congress used shortened phrases in the second clause to refer back to terms spelled out more completely in the first clause."
 2011 OLC Opinion at 7. I agree with the 2011 OLC Opinion that this instance of borrowing by the drafters of § 1084(a) gives textual support for similarly importing the sports-gambling modifier into the second clause.

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- New Hampshire District Court Opinion
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 - Many states filed Amicus briefs. Did the court extend its holding beyond New Hampshire and its vendors?

- New Hampshire District Court Opinion
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 - Many states filed Amicus briefs. Did the court extend its holding beyond New Hampshire and its vendors?
 - The parties nevertheless disagree as to whether a declaratory judgment should be limited to the parties or have universal effect.15 The plaintiffs maintain that declaratory relief "necessarily extends beyond the [Commission] itself." Doc. No. 58 at 21. The Government contends that any declaratory relief must apply only to the parties to the case. I agree with the Government.

Federal Wire Act

- New Hampshire District Court Opinion
 - New Hampshire District Court Opinion

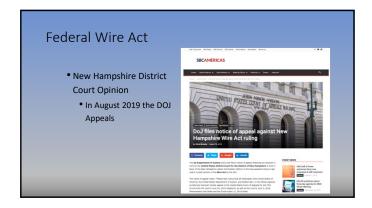
The judgment provides the Lottery Commission and NeoPollard complete relief. No more is needed.

III. CONCLUSION

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In summary, I deny the Government's motion to dismiss for lack of jurisdiction
(Doc. No. 45) because the plaintiffs have established standing, and the
Government has not met its burden to show that the case is moot. I grant the
plaintiffs' motions for summary judgment (Doc. Nos. 2 & 10) and deny the
Government's cross-motion for summary judgment (Doc. No. 45), I hereby
declare that § 1084(a) of the Wire Act, 18 U.S.C. § 1084(a), applies only to
transmissions related to bets or wagers on a sporting event or contest. The 2018
OLC Opinion is set aside. SO ORDERED

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Federal Wire Act New Hampshire District Court Opinion In August 2019 the DOJ Appeals Social Service Court of Service Court





Appeal deadline is after a change in administration Biden administration declines to appeal the 1st Circuit Opinion Do Ifies notice of appeal against New Hampshire Wire Act ruling The Company of the Compan

Federal Wire Act

 State Attorneys General Otffices appeal to U.S. Attorney General Merrick Garland for a repeal of the 2018 Opinion.



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• IGT Files for Declaratory Relief in Rhode Island.

Economy Economic Activity Government Industries Technology

Lottery operator IGT sues U.S. Justice Department over ambiguity on Wire Act

By Marc Larocque - November 26, 2021 5:03 an





Federal Wire Act

 DOJ needs more time to respond

DOJ Needs Extra 30 Days to Respond to IGT's Wire Act Lawsuit

US gaming attorneys say extension likely a nothingburger, but there is also a chance Biden DOJ could be close to clarifying position on Wire Act.



Federal Wire Act

 DOJ doesn't answer complaint, but seeks dismissal for lack of a controversy to adjudicate



The United States Department of Justice (COO) is seeking to durins a lawout filed last Movember by international Game Rechanology PLC that sought clarification on the reach of the 1961 Wire Act into avenues of ordine gambling other than the Wire Act is infail target, sports betting, in its motion, file yesterday in the U.S. Climic Court of Khadel Island, the DOI asserted that IGT's action must be dism for "last of outline matter Livindical Court of Khadel Island, the DOI asserted that IGT's action must be dism for "last of outline matter Livindical Court of Khadel Island, the DOI asserted that IGT's action must be dism for "last of outline matter Livindical Court of Khadel Island, the DOI asserted that IGT's action must be dism."

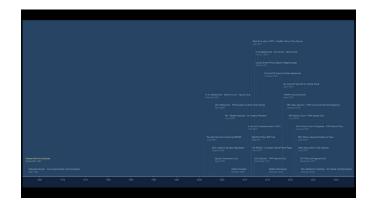
IOT is the United States' largest business involved with the transmission of information connected to it country's many lotteries, offered at both the state and multi-state level across almost the entire U.S. IO operates sendors in other online-gambling sectors as well. IOT's overall sendors include wire-based gambling solutions to state lotteries, physical casinor, and online casinor othe gaming databases.

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New Hampshire, Rhode Island, and Puerto Rico.

International Game Technology has ongoing business interests stretching far beyond its New Engla





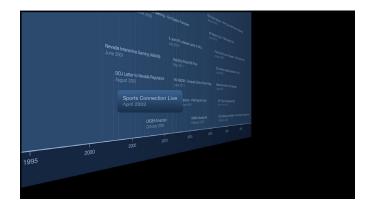








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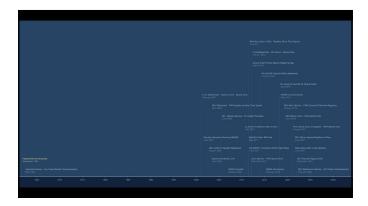
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QUESTIONS?	
Have a great break.	
We will start with the Illegal Gambling Business Act	
when you return.	