	Federal & Indian Gaming Law
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to the same of the same of	Indian Lands of Federally Recognized Tribe
	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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or contes, 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.

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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 news reporting of worthing worsts or content, 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.	
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 comests, or for the transmission of information assetting in the phistograph and test or vagers on a secreting 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.	
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 —" Baborian	

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

Federal Wire Act

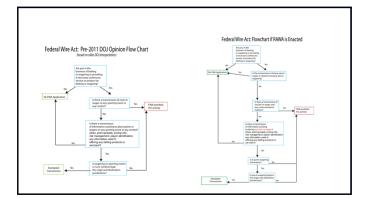
- "sporting event or contest"
 - DOJ View Pre-12/2011
 - In re: Master Card
 - Lombardo
 - DOJ View 12/2011-12/2018

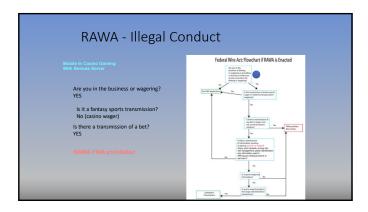
Restoration of America's Wire Act

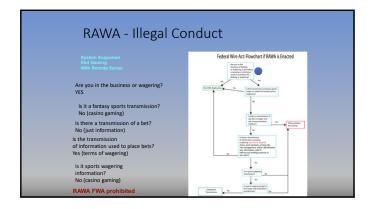
- Removes sporting event or contest from the first prohibition
 Deems all internet traffic to be interstate and foreign transmission whether or not information crosses state lines
 Leaves 1084(b) untouched
 Excludes fantasy sports from the Federal Wire Act prohibitions
 No exclusion for state regulated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

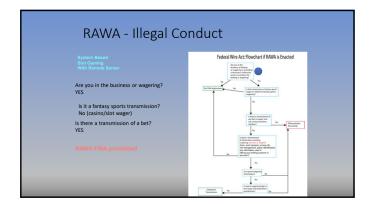


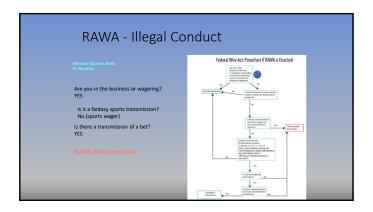
- Restoration of America's Wire Act
 - RAWA seeks to "restore" the federal wire act to pre-2011 interpretation and enhance illegal online gaming enforcement by doing the following:
 - Removing references to "sporting event or contest" in the prohibitions section.
 - Defining an interstate transmission to include any use of the internet where packets could incidentally cross state lines.
 - Excluding unlicensed fantasy sports wagering from the Federal Wire Act's prohibitions.

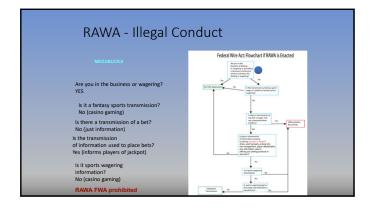


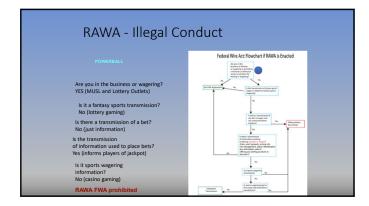


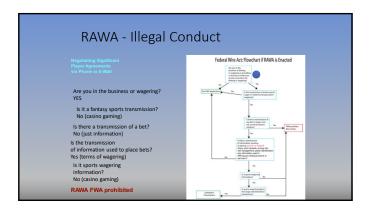












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• Restoration of America's Wire Act	
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Restoration of America's Wire Act Hearings are a disaster and the bill dies	
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C-SPAN

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

Federal Wire Act

- 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) Whenever being presented in the memory of the community of the commu

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New Hampshire District Court Opinion	
What are the issues?	
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Federal Wire Act	
New Hampshire District Court OpinionWhat are the issues?	
Whether the Federal Wire Act applies to state actors?	
• Whether the Federal Wire Act prohibitions are limited	
to sports wagering?	
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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?

- 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?

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- 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.

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

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

- 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

III. CONCLUSION
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

Federal Wire Act

- New Hampshire District Court Opinion
 - In August 2019 the DOJ Appeals



- New Hampshire District Court Opinion
 - In August 2019 the DOJ Appeals



Federal Wire Act • First Circuit Court of Appeals Agrees DoJ files notice of appeal against New Hampshire Wire Act ruling The layers where the part of the par

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Federal Wire Act IGT Files for Declaratory Relief in Rhode Island.







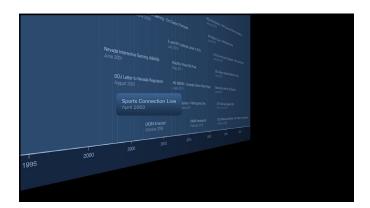














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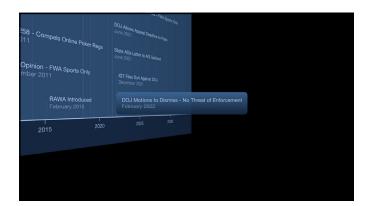


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