



May 18, 2016

Chairman John Culberson
Chairman of the House Appropriations Subcommittee on Commerce,
Justice, and Science
U.S. House of Representatives
Washington, DC 20510

Dear Chairman Culberson:

We, the following free-market, limited-government, and freedom-oriented organizations are asking you to oppose language supporting the “Restoration of America’s Wire Act” (RAWA) that was inserted into the Senate CJS Appropriations report accompanying the bill. This language benefits a narrow range of special interests and tramples on the Tenth Amendment and the right of states to set their own gambling and lottery laws. If passed, RAWA would potentially affect the ability of millions of Americans to play daily fantasy sports and, perhaps most troubling, opens the door to federal government regulation of guns and ammunition sales—a long time goal of gun control advocates.

Last year, RAWA was introduced in both the House and the Senate. This

legislation is an attempt to change the the Federal Wire Act of 1961 to ban the ability of states from legalizing online gaming for their own residents. New Jersey, Delaware and others have exercised their rights under the Tenth Amendment while other states like Georgia, Illinois, Michigan and Minnesota have done the same with regards to the online sale of lottery tickets.

The RAWA legislation was met with strong bipartisan opposition ranging from free market and limited-government organizations like ours to organizations like the National Governor's Association, the National Conference of State Legislators and the North American Association of State & Provincial Lotteries. *As such, the bill failed to move past the committee hearing stage.*

The Senate report accompanying the CJS Appropriations bill has language on Page 59 of Senate Report 114-239 that states the following:

Internet Gambling.—Since 1961, the Wire Act has prohibited nearly all forms of gambling over interstate wires, including the Internet. However, beginning in 2011, certain States began to permit Internet gambling. The Committee notes that the Wire Act did not change in 2011. The Committee also notes that the Supreme Court of the United States has stated that “criminal laws are for courts, not for the Government, to construe.” *Abramski v. U.S.*, 134 S.Ct. 2259, 2274 (2014) (internal citation omitted).

This clearly is an attempt to circumvent regular order in the House and Senate. We are deeply concerned that this language has been inserted to be used as a placeholder for “air dropping” RAWA in a conference report, whether it be the CJS Appropriations bill, an Omnibus or a Continuing Resolution, as a way to deny the American people the ability to have their direct say in a fundamental legislative shift that limits individual rights. The process of regular order safeguards those rights by allowing for an open and meaningful discussion to occur.

Furthermore, the consequence of RAWA legislation being buried in an appropriations bill sets a dangerous precedent for any party to use appropriations bills in the future to circumvent the Constitution's protections

in a variety of areas—most notably the 2nd Amendment, and the possibility of further federal intervention in firearm and ammunition sales.

Were regular order to be ignored, organizations dedicated to preserving individual rights and the rule of law would hold members accountable for allowing this to happen. But even if that does not happen, the language itself is troubling, has profound implications for national policy, damages the Constitution and potentially damages the Second Amendment. For those reasons and others, we ask for your firm and public opposition to the provision and ask that it be struck from any conference report.

Sincerely,

Andrew Langer
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Institute for Liberty

David Williams
President
Taxpayers Protection Alliance

Andrew F. Quinlan
President
Center for Freedom & Prosperity

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