

106TH CONGRESS  
2D SESSION

# H. R. 5020

To prohibit Internet gambling.

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IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

Mr. CONYERS (for himself and Mr. CANNON) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To prohibit Internet gambling.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Comprehensive Inter-  
5       net Gambling Prohibition Act of 2000”.

6       **SEC. 2. DEFINITION.**

7       Section 1081 of title 18, United States Code, is  
8       amended—

9               (1) by designating the five undesignated para-  
10              graphs that begin with “The term” as paragraphs  
11              (1) through (5) respectively;

12             (2) in paragraph (5), as so designated—

1 (A) by striking “wire communication” and  
2 inserting “communication”;

3 (B) by inserting “satellite, microwave,”  
4 after “cable,”; and

5 (C) by inserting “(whether fixed or mo-  
6 bile)” after “connection”; and

7 (3) by adding at the end the following:

8 “(6) The term ‘information assisting in the  
9 placing of bets or wagers’ means information know-  
10 ingly transmitted by an individual in the business of  
11 betting or wagering for use in placing, receiving,  
12 making, or otherwise enabling or facilitating a bet or  
13 wager that violates applicable Federal, State, tribal,  
14 or local law, but does not include—

15 “(A) the transmission of information for  
16 use in news reporting of wagering activities, as  
17 long as such transmission does not solicit or  
18 provide information for the purpose of facili-  
19 tating or enabling the placing or receipt of bets  
20 or wagers in a jurisdiction where such betting  
21 is illegal;

22 “(B) any posting or reporting of any edu-  
23 cational information on how to make a legal bet  
24 or wager or the nature of betting or wagering,  
25 as long as such transmission does not solicit or

1 provide information for the purpose of facili-  
2 tating or enabling the placing or receipt of bets  
3 or wagers in a jurisdiction where such betting  
4 is illegal;

5 “(C) advertising relating to betting or wa-  
6 gering in a jurisdiction where such betting or  
7 wagering is legal, as long as such advertising  
8 does not solicit or provide information for the  
9 purpose of facilitating or enabling the placing  
10 or receipt of bets or wagers in a jurisdiction  
11 where such betting is illegal; or

12 “(D) the transmission of information as-  
13 sisting in the placing of bets or wagers from a  
14 State or foreign country where such bets or wa-  
15 gers are legal into a State or foreign country in  
16 which such betting or wagering is legal.

17 “(7) The term ‘transmission’ or ‘transmit’  
18 means to place, send, receive, transfer, post, dissemi-  
19 nate, or otherwise convey from one person or place  
20 to another.

21 “(8) The term ‘fantasy sports league or rotis-  
22 serie league’ means an activity that—

23 “(A) consists of persons who pay an en-  
24 trance or administrative fee to participate in a  
25 league that allows each participant to create a

1 fictitious team composed of athletes from a pro-  
2 fessional sport;

3 “(B) allows for the selection or subsequent  
4 replacement of players without charging any  
5 fees in excess of the initial entrance or adminis-  
6 trative fee;

7 “(C) allows a participant to accrue points  
8 for the performance of that participant’s team  
9 that can be compared to the points secured by  
10 other participants and may award de minimis  
11 prizes daily, weekly, or monthly during the reg-  
12 ular season or after each round of postseason  
13 play based on total points accrued, or other  
14 prizes at the conclusion of the regular season or  
15 postseason, or both based on the cumulative  
16 points accrued during the regular season or  
17 postseason, or both;

18 “(D) designates the specific prizes (includ-  
19 ing amounts, if monetary prizes) to be won by  
20 participants in the league at the start of the  
21 regular season before the registration of, or ac-  
22 ceptance of fees from, the participants and does  
23 not base the value of prizes on the number of  
24 participants or the total amount of entrance or  
25 administrative fees collected; and

1           “(E) provides to each participant the rules  
2           governing the conduct of the fantasy sports  
3           league.

4           “(9) The term ‘bets or wagers’ means the stak-  
5           ing or risking by any person of something of value  
6           upon—

7           “(A) any contest or game based in whole  
8           or in part on chance, including a lottery;

9           “(B) one or more sporting events or con-  
10          tests, or one or more performances of the par-  
11          ticipants in such events or contests, including  
12          any scheme of a type described in section 3702  
13          of title 28, United States Code; or

14          “(C) a future contingent event not under  
15          the person’s control or influence;

16          with an agreement or understanding that the person  
17          or another person will or may receive something of  
18          value as a result of such stake or risk. However,  
19          such term does not include a bona fide business  
20          transaction in securities or commodities of the na-  
21          ture governed by the Federal securities and trading  
22          laws of the United States, a contract of indemnity  
23          or guarantee, a contract for insurance, or an en-  
24          trance or administrative fee collected by a fantasy  
25          sports or rotisserie league where the operation of or

1 participation in such league does not violate applica-  
2 ble Federal, State, tribal, or local laws and such  
3 league does not collect fees from or allow participa-  
4 tion by individuals under the age of 18.”.

5 **SEC. 3. MODIFICATION OF EXISTING PROHIBITION.**

6 (a) IN GENERAL.—Section 1084 of title 18, United  
7 States Code, is amended to read as follows:

8 **“§ 1084. Use of a communication facility to transmit**  
9 **bets or wagers; penalties**

10 “(a) Whoever being engaged in the business of bet-  
11 ting or wagering knowingly uses a communication  
12 facility—

13 “(1) for the transmission in interstate or for-  
14 eign commerce, within the special maritime and ter-  
15 ritorial jurisdiction of the United States, or to or  
16 from any place outside the jurisdiction of any nation  
17 with respect to any transmission to or from the  
18 United States, of bets or wagers, or information as-  
19 sisting in the placing of bets or wagers; or

20 “(2) for the transmission of a communication in  
21 interstate or foreign commerce, within the special  
22 maritime and territorial jurisdiction of the United  
23 States, or to or from any place outside the jurisdic-  
24 tion of any nation with respect to any transmission  
25 to or from the United States, which entitles the re-

1        cipient to receive money or credit as a result of bets  
2        or wagers, or for information assisting in the placing  
3        of bets or wagers,

4 shall be fined under this title or imprisoned not more than  
5 two years, or both.

6        “(b) Nothing contained in this section creates immu-  
7 nity from criminal prosecution under any laws of any  
8 State or tribe.

9        “(c)(1) When any person or entity is notified in writ-  
10 ing by a Federal, State, tribal, or local law enforcement  
11 agency, acting within its jurisdiction, that any communica-  
12 tion facility furnished by it is being used or will be used  
13 by its subscriber for the purpose of transmitting bets or  
14 wagers, or information assisting in the placing of bets or  
15 wagers, in interstate or foreign commerce, within the spe-  
16 cial maritime and territorial jurisdiction of the United  
17 States, or to or from any place outside the jurisdiction  
18 of any nation with respect to any transmission to or from  
19 the United States in violation of Federal, State, tribal, or  
20 local law, it shall discontinue or refuse, the leasing, fur-  
21 nishing, or maintaining of such facility, after reasonable  
22 notice to the subscriber, but no damages, penalty, or for-  
23 feiture, civil or criminal, shall be found against any person  
24 or entity for any act done in compliance with any notice  
25 received from a law enforcement agency. Nothing in this

1 section shall be deemed to prejudice the right of any per-  
2 son affected thereby to secure an appropriate determina-  
3 tion, as otherwise provided by law, in a Federal court or  
4 in a State, tribal, or local tribunal or agency, that such  
5 facility should not be discontinued or removed, or should  
6 be restored.

7 “(2) A notice described in this subsection must—

8 “(A) identify the communication facility, gam-  
9 bling related material, or activity that allegedly vio-  
10 lates this section, and allege that such facility, mate-  
11 rial, or activity violates this section;

12 “(B) provide information reasonably sufficient  
13 to permit the provider of the wire communication fa-  
14 cility to locate (and, as appropriate, to discontinue  
15 or refuse the leasing, furnishing, or maintaining) of  
16 such facility;

17 “(C) be supplied to any agent of a provider of  
18 the wire communication facility designated in ac-  
19 cordance with section 512(c)(2) of title 17, if infor-  
20 mation regarding such designation is readily avail-  
21 able to the public;

22 “(D) provide information that is reasonably suf-  
23 ficient to permit the provider of the wire commu-  
24 nication facility to contact the law enforcement  
25 agency that issued the notice, including the name of

1 the law enforcement agency, and the name and tele-  
2 phone number of an individual to contact at the law  
3 enforcement agency (and, if available, the electronic  
4 mail address of that individual); and

5 “(E) declare under penalties of perjury that the  
6 person submitting the notice is an official of the law  
7 enforcement agency described in subparagraph (D).

8 “(d) Nothing in this section shall repeal or amend  
9 the rights or privileges secured tribes under the Indian  
10 Gaming Regulatory Act of 1988 (25 U.S.C. 2701 et seq.)  
11 or under Indian treaties.

12 “(e) As used in this section—

13 “(1) term ‘State’ means a State of the United  
14 States, the District of Columbia, the Commonwealth  
15 of Puerto Rico, or a commonwealth, territory, or  
16 possession of the United States; and

17 “(2) the term ‘tribe’ or ‘tribal’ refers to an In-  
18 dian tribe, as defined under section 4(5) of the In-  
19 dian Gaming Regulatory Act of 1988 (25 U.S.C.  
20 2703(5)).

21 “(f) INTERACTIVE COMPUTER SERVICE PRO-  
22 VIDERS.—

23 “(1) DEFINITIONS.—In this subsection:

24 “(A) INTERACTIVE COMPUTER SERVICE.—

25 The term ‘interactive computer service’ means

1 any interactive computer service that operates  
2 in interstate or foreign commerce and provides  
3 or enables access by multiple users to a com-  
4 puter server, including a service that—

5 “(i) provides an information location  
6 tool to refer to link users to an online loca-  
7 tion, including a directory, index, or hyper-  
8 text link;

9 “(ii) is engaged in the transmission,  
10 storage, retrieval, hosting, formatting, or  
11 translation of a communication made by  
12 another person without selection or alter-  
13 ation of the content of that communica-  
14 tion, other than that done in good faith to  
15 prevent or avoid a violation of law; or

16 “(iii) provides access to the Internet.

17 “(B) INTERACTIVE COMPUTER SERVICE  
18 PROVIDER.—The term ‘interactive computer  
19 service provider’ means any person that pro-  
20 vides an interactive computer service, to the ex-  
21 tent that such person offers or provides such  
22 service.

23 “(C) INTERNET.—The term ‘Internet’  
24 means the international computer network of

1           both Federal and non-Federal interoperable  
2           packet switched data networks.

3           “(2) IMMUNITY FROM LIABILITY FOR USE BY  
4           ANOTHER.—

5                   “(A) IN GENERAL.—An interactive com-  
6           puter service provider shall not be liable, under  
7           this section or any other provision of Federal or  
8           State law prohibiting or regulating gambling or  
9           gambling-related activities, for the use of its fa-  
10          cilities or services by another person to engage  
11          in Internet gambling activity that violates such  
12          law—

13                           “(i) arising out of any transmitting,  
14                           routing, or providing of connections for  
15                           gambling-related material or activity (in-  
16                           cluding intermediate and temporary stor-  
17                           age in the course of such transmitting,  
18                           routing, or providing connections) by the  
19                           provider, if—

20                                   “(I) the material or activity was  
21                                   initiated by or at the direction of a  
22                                   person other than the provider;

23   “(II) the transmitting, routing,  
24   or providing of connections is carried  
25   out through an automatic process

1 without selection of the material or  
2 activity by the provider;

3 “(III) the provider does not se-  
4 lect the recipients of the material or  
5 activity, except as an automatic re-  
6 sponse to the request of another per-  
7 son; and

8 “(IV) the material or activity is  
9 transmitted through the system or  
10 network of the provider without modi-  
11 fication of its content; or

12 “(ii) arising out of any gambling-re-  
13 lated material or activity at an online site  
14 residing on a computer server owned, con-  
15 trolled, or operated by or for the provider,  
16 or arising out of referring or linking users  
17 to an online location containing such mate-  
18 rial or activity, if the material or activity  
19 was initiated by or at the direction of a  
20 person other than the provider.

21 “(3) IMMUNITY FROM LIABILITY FOR ADVER-  
22 TISING OR PROMOTIONAL ACTIVITIES.—

23 “(A) An interactive computer service pro-  
24 vider shall not be liable, under any provision of  
25 Federal or State law prohibiting or regulating

1 gambling or gambling-related activities, or  
2 under any State law prohibiting or regulating  
3 advertising and promotional activities, for con-  
4 tent, provided by another person, that adver-  
5 tises or promotes gambling activity that violates  
6 such law, unless the provider is engaged in the  
7 business of such gambling.

8 “(4) EFFECT ON OTHER LAW.—

9 “(A) IMMUNITY FROM LIABILITY FOR COM-  
10 PLIANCE.—An interactive computer service pro-  
11 vider shall not be liable for any damages, pen-  
12 alty, or forfeiture, civil or criminal, under Fed-  
13 eral or State law for taking in good faith any  
14 action to comply with a notice described in sub-  
15 section (c).

16 “(B) DISCLAIMER OF OBLIGATIONS.—  
17 Nothing in this section may be construed to im-  
18 pose or authorize an obligation on an inter-  
19 active computer service provider—

20 “(i) to monitor material or use of its  
21 service; or

22 “(ii) except as required by a notice  
23 under subsection (c), to discontinue or

1 refuse the leasing, furnishing, or maintain-  
2 ing of a facility.”.

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