

106TH CONGRESS
1ST SESSION

S. 692

To prohibit Internet gambling, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 1999

Mr. KYL (for himself and Mr. BRYAN) introduced the following bill; which was
read twice and referred to the Committee on the Judiciary

A BILL

To prohibit Internet gambling, and for other purposes.

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 “Internet Gambling
5 Prohibition Act of 1999”.

6 **SEC. 2. PROHIBITION ON INTERNET GAMBLING.**

7 (a) IN GENERAL.—Chapter 50 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 **“§ 1085. Internet gambling**

11 “(a) DEFINITIONS.—In this section:

1 “(1) BETS OR WAGERS.—The term ‘bets or
2 wagers’—

3 “(A) means the staking or risking by any
4 person of something of value upon the outcome
5 of a contest of others, a sporting event, or a
6 game of chance, upon an agreement or under-
7 standing that the person or another person will
8 receive something of value based on that out-
9 come;

10 “(B) includes the purchase of a chance or
11 opportunity to win a lottery or other prize
12 (which opportunity to win is predominantly sub-
13 ject to chance);

14 “(C) includes any scheme of a type de-
15 scribed in section 3702 of title 28, United
16 States Code; and

17 “(D) does not include—

18 “(i) a bona fide business transaction
19 governed by the securities laws (as that
20 term is defined in section 3(a)(47) of the
21 Securities Exchange Act of 1934 (15
22 U.S.C. 78c(a)(47))) for the purchase or
23 sale at a future date of securities (as that
24 term is defined in section 3(a)(10) of the

1 Securities Exchange Act of 1934 (15
2 U.S.C. 78c(a)(10)));

3 “(ii) a transaction on or subject to the
4 rules of a contract market designated pur-
5 suant to section 5 of the Commodity Ex-
6 change Act (7 U.S.C. 7);

7 “(iii) a contract of indemnity or guar-
8 antee; or

9 “(iv) a contract for life, health, or ac-
10 cident insurance.

11 “(2) CLOSED-LOOP SUBSCRIBER-BASED SERV-
12 ICE.—The term ‘closed-loop subscriber-based service’
13 means any information service or system that uses—

14 “(A) a device or combination of devices—

15 “(i) expressly authorized and operated
16 in accordance with the laws of a State, ex-
17 clusively for placing, receiving, or otherwise
18 making a bet or wager described in sub-
19 section (d)(1)(B); and

20 “(ii) by which a person located within
21 any State must subscribe to be authorized
22 to place, receive, or otherwise make a bet
23 or wager, and must be physically located
24 within that State in order to be authorized
25 to do so;

1 “(B) an effective customer verification and
 2 age verification system, expressly authorized
 3 and operated in accordance with the laws of the
 4 State in which it is located, to ensure that all
 5 applicable Federal and State legal and regu-
 6 latory requirements for lawful gambling are
 7 met; and

8 “(C) appropriate data security standards
 9 to prevent unauthorized access by any person
 10 who has not subscribed or who is a minor.

11 “(3) FOREIGN JURISDICTION.—The term ‘for-
 12 eign jurisdiction’ means a jurisdiction of a foreign
 13 country or political subdivision thereof.

14 “(4) GAMBLING BUSINESS.—The term ‘gam-
 15 bling business’ means a business that is conducted
 16 at a gambling establishment, or that—

17 “(A) involves—

18 “(i) the placing, receiving, or other-
 19 wise making of bets or wagers; or

20 “(ii) the offering to engage in the
 21 placing, receiving, or otherwise making of
 22 bets or wagers;

23 “(B) involves 1 or more persons who con-
 24 duct, finance, manage, supervise, direct, or own
 25 all or part of such business; and

1 “(C) has been or remains in substantially
 2 continuous operation for a period in excess of
 3 10 days or has a gross revenue of \$2,000 or
 4 more from such business during any 24-hour
 5 period.

6 “(5) INFORMATION ASSISTING IN THE PLACING
 7 OF A BET OR WAGER.—The term ‘information as-
 8 sisting in the placing of a bet or wager’—

9 “(A) means information that is intended
 10 by the sender or recipient to be used by a per-
 11 son engaged in the business of betting or wa-
 12 gering to accept or place a bet or wager; and

13 “(B) does not include—

14 “(i) information concerning pari-
 15 mutuel pools that is exchanged exclusively
 16 between or among 1 or more racetracks or
 17 other parimutuel wagering facilities li-
 18 censed by the State or approved by the for-
 19 eign jurisdiction in which the facility is lo-
 20 cated, and 1 or more parimutuel wagering
 21 facilities licensed by the State or approved
 22 by the foreign jurisdiction in which the fa-
 23 cility is located, if that information is used
 24 only to conduct common pool parimutuel
 25 pooling under applicable law;

1 “(ii) information exchanged exclu-
2 sively between or among 1 or more race-
3 tracks or other parimutuel wagering facili-
4 ties licensed by the State or approved by
5 the foreign jurisdiction in which the facility
6 is located, and a support service located in
7 another State or foreign jurisdiction, if the
8 information is used only for processing
9 bets or wagers made with that facility
10 under applicable law;

11 “(iii) information exchanged exclu-
12 sively between or among 1 or more wager-
13 ing facilities that are located within a sin-
14 gle State and are licensed and regulated by
15 that State, and any support service, wher-
16 ever located, if the information is used only
17 for the pooling or processing of bets or wa-
18 gers made by or with the facility or facili-
19 ties under applicable State law;

20 “(iv) any news reporting or analysis
21 of wagering activity, including odds, racing
22 or event results, race and event schedules,
23 or categories of wagering; or

24 “(v) any posting or reporting of any
25 educational information on how to make a

1 bet or wager or the nature of betting or
2 wagering.

3 “(6) INTERACTIVE COMPUTER SERVICE.—The
4 term ‘interactive computer service’ means any infor-
5 mation service, system, or access software provider
6 that uses a public communication infrastructure or
7 operates in interstate or foreign commerce to provide
8 or enable computer access by multiple users to a
9 computer server, including specifically a service or
10 system that provides access to the Internet.

11 “(7) INTERNET.—The term ‘Internet’ means
12 the international computer network of both Federal
13 and non-Federal interoperable packet switched data
14 networks.

15 “(8) PERSON.—The term ‘person’ means any
16 individual, association, partnership, joint venture,
17 corporation, State or political subdivision thereof,
18 department, agency, or instrumentality of a State or
19 political subdivision thereof, or any other govern-
20 ment, organization, or entity (including any govern-
21 mental entity (as defined in section 3701(2) of title
22 28, United States Code)).

23 “(9) PRIVATE NETWORK.—The term ‘private
24 network’ means a communications channel or chan-

1 nels, including voice or computer data transmission
 2 facilities, that use either—

3 “(A) private dedicated lines; or

4 “(B) the public communications infrastruc-
 5 ture, if the infrastructure is secured by means
 6 of the appropriate private communications tech-
 7 nology to prevent unauthorized access.

8 “(10) STATE.—The term ‘State’ means a State
 9 of the United States, the District of Columbia, the
 10 Commonwealth of Puerto Rico, or a commonwealth,
 11 territory, or possession of the United States.

12 “(11) SUBSCRIBER.—The term ‘subscriber’—

13 “(A) means any person with a business re-
 14 lationship with the interactive computer service
 15 provider through which such person receives ac-
 16 cess to the system, service, or network of that
 17 provider, even if no formal subscription agree-
 18 ment exists; and

19 “(B) includes registrants, students who are
 20 granted access to a university system or net-
 21 work, and employees who are granted access to
 22 the system or network of their employer.

23 “(b) GAMBLING BUSINESSES.—

24 “(1) PROHIBITION.—Subject to subsection (d),
 25 it shall be unlawful for a person engaged in a gam-

1 bling business to use the Internet or any other inter-
 2 active computer service—

3 “(A) to place, receive, or otherwise make a
 4 bet or wager; or

5 “(B) to send, receive, or invite information
 6 assisting in the placing of a bet or wager.

7 “(2) PENALTIES.—A person engaged in a gam-
 8 bling business who violates paragraph (1) shall be—

9 “(A) fined in an amount equal to not more
 10 than the greater of—

11 “(i) the amount that such person re-
 12 ceived in bets or wagers as a result of en-
 13 gaging in that business in violation of this
 14 subsection; or

15 “(ii) \$20,000;

16 “(B) imprisoned not more than 4 years; or

17 “(C) both.

18 “(c) PERMANENT INJUNCTIONS.—Upon conviction of
 19 a person under this section, the court may, as an addi-
 20 tional penalty, enter a permanent injunction enjoining the
 21 transmission of bets or wagers or information assisting in
 22 the placing of a bet or wager.

23 “(d) APPLICABILITY.—

24 “(1) IN GENERAL.—Subject to paragraph (2),
 25 the prohibition in this section does not apply to—

1 “(A) any otherwise lawful bet or wager
2 that is placed, received, or otherwise made
3 wholly intrastate for a State lottery, or for a
4 multi-State lottery operated jointly between 2
5 or more States in conjunction with State lot-
6 teries if—

7 “(i) each such lottery is expressly au-
8 thorized, and licensed or regulated, under
9 applicable State law;

10 “(ii) the bet or wager is placed on an
11 interactive computer service that uses a
12 private network;

13 “(iii) each person placing or otherwise
14 making that bet or wager is physically lo-
15 cated when such bet or wager is placed at
16 a facility that is open to the general public;
17 and

18 “(iv) each such lottery complies with
19 sections 1301 through 1304 of title 18,
20 United States Code, and other applicable
21 provisions of Federal law;

22 “(B) any otherwise lawful bet or wager
23 that is placed, received, or otherwise made on
24 an interstate or intrastate basis on a live horse
25 race, or the sending, receiving, or inviting of in-

1 formation assisting in the placing of such a bet
2 or wager, if such bet or wager, or the trans-
3 mission of such information, as applicable, is—

4 “(i) expressly authorized, and licensed
5 or regulated by the State in which such bet
6 or wager is received, under applicable Fed-
7 eral and such State’s laws;

8 “(ii) placed on a closed-loop sub-
9 scriber-based service;

10 “(iii) initiated from a State in which
11 betting or wagering on that same type of
12 live horse racing is lawful and received in
13 a State in which such betting or wagering
14 is lawful;

15 “(iv) subject to the regulatory over-
16 sight of the State in which the bet or
17 wager is received and subject by such
18 State to minimum control standards for
19 the accounting, regulatory inspection, and
20 auditing of all such bets or wagers trans-
21 mitted from 1 State to another; and

22 “(v) made in accordance with the
23 Interstate Horse Racing Act of 1978 (15
24 U.S.C. 3001 et seq.); or

1 “(C) any otherwise lawful bet or wager
2 that is placed, received, or otherwise made for
3 a fantasy sports league game or contest.

4 “(2) INAPPLICABILITY TO BETS OR WAGERS
5 MADE BY AGENTS OR PROXIES.—

6 “(A) IN GENERAL.—Paragraph (1)(A)
7 does not apply in any case in which a bet or
8 wager is placed, received, or otherwise made by
9 the use of an agent or proxy using the Internet
10 or an interactive computer service.

11 “(B) RULE OF CONSTRUCTION.—Nothing
12 in this paragraph may be construed to prohibit
13 the owner operator of a parimutuel wagering
14 facility that is licensed by a State from employ-
15 ing an agent in the operation of the account
16 wagering system owned or operated by the pari-
17 mutuel facility.”.

18 (b) TECHNICAL AMENDMENT.—The analysis for
19 chapter 50 of title 18, United States Code, is amended
20 by adding at the end the following:

“1085. Internet gambling.”.

21 **SEC. 3. CIVIL REMEDIES.**

22 (a) IN GENERAL.—

23 (1) JURISDICTION.—The district courts of the
24 United States shall have original, exclusive, and con-
25 tinuing jurisdiction to prevent and restrain violations

1 of section 1085 of title 18, United States Code, as
2 added by section 2 of this Act, by issuing appro-
3 priate orders in accordance with this section, regard-
4 less of whether a prosecution has been initiated
5 under that section.

6 (2) PROCEEDINGS.—

7 (A) INSTITUTION BY FEDERAL GOVERN-
8 MENT.—

9 (i) IN GENERAL.—The United States
10 may institute proceedings under this sub-
11 section to prevent or restrain a violation of
12 section 1085 of title 18, United States
13 Code.

14 (ii) RELIEF.—Upon application of the
15 United States under this subparagraph,
16 the district court may enter a temporary
17 restraining order or an injunction against
18 any person to prevent a violation of section
19 1085 of title 18, United States Code, if the
20 court determines, after notice and an op-
21 portunity for a hearing, that there is a
22 substantial probability that such violation
23 has occurred or will occur.

24 (B) INSTITUTION BY STATE ATTORNEY
25 GENERAL.—

1 (i) IN GENERAL.—The attorney gen-
2 eral of a State (or other appropriate State
3 official) in which a violation of section
4 1085 of title 18, United States Code, is al-
5 leged to have occurred, or may occur, after
6 providing written notice to the United
7 States, may institute proceedings under
8 this subsection to prevent or restrain the
9 violation, unless the United States has ex-
10 clusive jurisdiction over the violation under
11 Federal law.

12 (ii) RELIEF.—Upon application of the
13 attorney general (or other appropriate
14 State official) of an affected State under
15 this subparagraph, the district court may
16 enter a temporary restraining order or an
17 injunction against any person to prevent a
18 violation of section 1085 of title 18, United
19 States Code, if the court determines, after
20 notice and an opportunity for a hearing,
21 that there is a substantial probability that
22 such violation has occurred or will occur.

23 (C) EXPIRATION.—Any temporary re-
24 straining order or preliminary injunction en-
25 tered pursuant to subparagraph (A) or (B)

1 shall expire if, and as soon as, the United
2 States, or the attorney general (or other appro-
3 priate State official) of the State, as applicable,
4 notifies the court that issued the injunction that
5 the United States or the State, as applicable,
6 will not seek a permanent injunction.

7 (3) EXPEDITED PROCEEDINGS.—

8 (A) IN GENERAL.—In addition to any pro-
9 ceeding under paragraph (2), a district court
10 may enter a temporary restraining order
11 against a person alleged to be in violation of
12 section 1085 of title 18, United States Code,
13 upon application of the United States under
14 paragraph (2)(A) of this subsection, or the at-
15 torney general (or other appropriate State offi-
16 cial) of an affected State under paragraph
17 (2)(B) of this subsection, without notice and
18 the opportunity for a hearing, if the United
19 States or the State, as applicable, demonstrates
20 that there is probable cause to believe that the
21 use of the Internet or other interactive com-
22 puter service at issue violates section 1085 of
23 title 18, United States Code.

1 (B) EXPIRATION.—A temporary restrain-
2 ing order entered under this paragraph shall ex-
3 pire on the earlier of—

4 (i) the expiration of the 30-day period
5 beginning on the date on which the order
6 is entered; or

7 (ii) the date on which a preliminary
8 injunction is granted or denied.

9 (C) HEARINGS.—A hearing requested con-
10 cerning an order entered under this paragraph
11 shall be held at the earliest practicable time.

12 (b) INTERACTIVE COMPUTER SERVICE PRO-
13 VIDERS.—

14 (1) ELIGIBILITY.—For purposes of this sub-
15 section, an interactive computer service provider is
16 described in this paragraph only if the provider has
17 established and reasonably implements a policy that
18 provides for the termination of the account of a sub-
19 scriber of the service system or network of the pro-
20 vider upon the receipt by the provider of a notice de-
21 scribed in paragraph (4)(B).

22 (2) USE OF FACILITIES OR SERVICES.—Nothing
23 in section 1085 of title 18, United States Code, may
24 be constructed to impose, or to provide any basis
25 for, liability against an interactive computer service

1 provider described in paragraph (1) whose facilities
2 or services are used by another person to engage in
3 an activity prohibited by that section—

4 (A) arising out of any transmitting, rout-
5 ing, or providing of connections for the material
6 or activity (including intermediate and tem-
7 porary storage in the course of such transmit-
8 ting, routing, or providing connections) by the
9 provider, if—

10 (i) the material or activity was initi-
11 ated by or at the direction of a person
12 other than the provider;

13 (ii) the transmitting, routing, or pro-
14 viding of connections is carried out
15 through an automatic process without se-
16 lection of the material or activity by the
17 provider;

18 (iii) the provider does not select the
19 recipients of the material or activity, ex-
20 cept as an automatic response to the re-
21 quest of another person; and

22 (iv) the material or activity is trans-
23 mitted through the system or network of
24 the provider without modification of its
25 content; or

(B) with respect to material or activity at an online site residing on a computer server owned, controlled, or operated by or for the provider, unless the provider fails to comply within a reasonable time with a notification under paragraph (4) with respect to the particular material or activity at issue.

(3) PROTECTION OF PRIVACY.—Nothing in this section or in section 1085 of title 18, United States Code, may be construed to impose or authorize an obligation on an interactive computer service described in paragraph (1) to—

(A) monitor material or use of its service;

or

(B) except as required by an order of a court, to gain access to, to remove, or to disable access to material in any case in which such conduct is prohibited by law.

(4) NOTICE TO INTERACTIVE COMPUTER SERVICE PROVIDERS.—

(A) IN GENERAL.—If an interactive computer service provider receives from a Federal or State law enforcement agency, acting within its jurisdiction, a written or electronic notice described in subparagraph (B), that a par-

1 ticular online site residing on a computer server
2 owned, controlled, or operated by or for the pro-
3 vider is being used to violate section 1085 of
4 title 18, United States Code, the provider shall
5 not be liable under any Federal or State law if,
6 in a reasonably expeditious manner—

7 (i) the provider removes or disables
8 access to the material or activity residing
9 at that online site that allegedly violates
10 that section; or

11 (ii) if the provider does not own, oper-
12 ate, or control the site at which the subject
13 material or activity resides, the provider
14 notifies the Federal or State law enforce-
15 ment agency that—

16 (I) the provider is not the proper
17 recipient of such notice; and

18 (II) upon receipt of a subpoena,
19 the provider will cooperate with the
20 Federal or State law enforcement
21 agency in identifying the person or
22 persons who control the site.

23 (B) NOTICE.—A notice is described in this
24 subparagraph if it—

1 (i) identifies the material or activity
2 that allegedly violates section 1085 of title
3 18, United States Code;

4 (ii) provides information reasonably
5 sufficient to permit the provider to locate
6 the material or activity;

7 (iii) is supplied to any agent of a pro-
8 vider designated under section 512 of title
9 17, United States Code, if information re-
10 garding such designation is readily avail-
11 able to the public; and

12 (iv) provides information that is rea-
13 sonably sufficient to permit the provider to
14 contact the law enforcement agency that
15 issued the notice, including—

16 (I) the name of the law enforce-
17 ment agency; and

18 (II) the name and telephone
19 number of an individual to contact at
20 the law enforcement agency, and, if
21 available, the electronic mail address
22 of that individual.

23 (5) INJUNCTIVE RELIEF.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), a Federal or State law en-

1 enforcement agency acting within its jurisdiction,
2 may, following the issuance of a notice to an
3 interactive computer service provider under
4 paragraph (4), in a civil action, obtain an in-
5 junction or other appropriate relief to prevent
6 the use of the interactive computer service in
7 violation of Federal or State law.

8 (B) OTHER LIMITATIONS.—In the case of
9 any application for an injunction against an
10 interactive computer service provider to prevent
11 a violation of section 1085 of title 18, United
12 States Code—

13 (i) arising out of the transmitting,
14 routing, or providing of connections by the
15 provider for material or activity that is
16 prohibited by section 1085 of title 18,
17 United States Code, or performing the in-
18 termediate and temporary storage of such
19 material or activity in the course of such
20 transmitting, routing, or providing of con-
21 nections, the injunctive relief is limited
22 to—

23 (I) an order restraining the pro-
24 vider from providing access to an
25 identified subscriber of the system or

1 network of the interactive computer
2 service provider, who is using that ac-
3 cess to violate section 1085 of title 18,
4 United States Code (or whose use of
5 that access involves a violation of sec-
6 tion 1085 of title 18, United States
7 Code, by another person), by termi-
8 nating the specified account of that
9 subscriber; and

10 (II) an order restraining the pro-
11 vider from providing access, by taking
12 reasonable steps specified in the order
13 to block access, to a specific, identi-
14 fied, foreign online location;

15 (ii) with respect to conduct other than
16 that which qualifies for the limitation on
17 remedies set forth in clause (i), the injunc-
18 tive relief is limited to—

19 (I) an order restraining the pro-
20 vider from providing access to a mate-
21 rial or activity that violates section
22 1085 of title 18, United States Code,
23 at a particular online site residing on
24 a computer server, owned, operated,
25 or controlled by the provider;

1 (II) an order restraining the pro-
2 vider from providing access to a sub-
3 scriber of the system or network of
4 the interactive computer service, who
5 is identified in the order and who is
6 using such service in violation of sec-
7 tion 1085 of title 18, United States
8 Code, by terminating the specified ac-
9 count of that subscriber; or

10 (III) such other injunctive rem-
11 edies as the court considers necessary
12 to prevent or restrain access to speci-
13 fied material or activity that is pro-
14 hibited by section 1085 of title 18,
15 United States Code, at a particular
16 online location residing on a computer
17 server owned, operated, or controlled
18 by the provider, that are the least
19 burdensome to the provider among the
20 forms of relief that are comparably ef-
21 fective for that purpose.

22 (C) CONSIDERATIONS.—The court, in de-
23 termining appropriate injunctive relief under
24 this paragraph, shall consider—

1 (i) whether such an injunction, either
2 alone or in combination with other such in-
3 junctions issued against the same provider
4 (under section 1085 of title 18, United
5 States Code, or under this section) would
6 significantly burden either the provider or
7 the operation of the system or network of
8 the provider;

9 (ii) whether implementation of such
10 an injunction would be technically feasible
11 and effective, and would not unreasonably
12 interfere with access to lawful material at
13 other online locations;

14 (iii) whether other less burdensome
15 and comparably effective means of pre-
16 venting or restraining access to the illegal
17 material or activity are available; and

18 (iv) the magnitude of the harm likely
19 to be suffered by the community if the in-
20 junction is not granted.

21 (D) NOTICE AND EX PARTE ORDERS.—In-
22 junctive relief under this paragraph shall not be
23 available without notice to the service provider
24 and an opportunity for such provider to appear
25 before the court, except for orders ensuring the

1 preservation of evidence or other orders having
2 no material adverse effect on the operation of
3 the communications network of the service pro-
4 vider.

5 (6) EFFECT ON OTHER LAW.—

6 (A) PREEMPTION OF STATE LAW.—An
7 interactive computer service provider described
8 in paragraph (1) shall not be liable under any
9 State law prohibiting or regulating gambling, or
10 subject to any injunctive relief under any such
11 State law, in connection with the use of the
12 interactive computer service of that provider by
13 any person in interstate or affecting commerce.

14 (B) IMMUNITY FROM LIABILITY.—In the
15 absence of fraud or bad faith, an interactive
16 computer service provider described in para-
17 graph (1) shall not be liable for any damages,
18 penalty, or forfeiture, civil or criminal, under
19 Federal or State law for—

20 (i) taking any action described in
21 paragraph (1) or paragraph 4(A) to com-
22 ply with a notice described in paragraph
23 (4)(B); or

24 (ii) complying with any court order
25 issued under paragraph (5).

1 (c) RELATIONSHIP TO OTHER REMEDIES.—

2 (1) IN GENERAL.—Except as provided in sub-
3 section (b)(6), nothing in this section may be con-
4 strued to affect any remedy under section 1085 of
5 title 18, United States Code, or under any other
6 provision of Federal or State law.

7 (2) AVAILABILITY OF RELIEF.—The availability
8 of relief under this section shall not depend on, or
9 be affected by, the initiation or resolution of any ac-
10 tion under section 1085 of title 18, United States
11 Code, or under any other provision of Federal or
12 State law.

13 **SEC. 4. RULE OF CONSTRUCTION.**

14 Except as provided in section 3(b)(6) of this Act,
15 nothing in this Act or in section 1085 of title 18, United
16 States Code, as added by section 2 of this Act, may be
17 construed otherwise to affect any prohibition or remedy
18 relating to gambling that is imposed under any other pro-
19 vision of Federal or State law.

20 **SEC. 5. REPORT ON ENFORCEMENT.**

21 Not later than 3 years after the date of enactment
22 of this Act, the Attorney General shall submit to Congress
23 a report, which shall include—

1 (1) an analysis of the problems, if any, associ-
2 ated with enforcing section 1085 of title 18, United
3 States Code, as added by section 2 of this Act;

4 (2) recommendations for the best use of the re-
5 sources of the Department of Justice to enforce that
6 section; and

7 (3) an estimate of the amount of activity and
8 money being used to gamble on the Internet.

9 **SEC. 6. SEVERABILITY.**

10 If any provision of this Act, an amendment made by
11 this Act, or the application of such provision or amend-
12 ment to any person or circumstance is held to be uncon-
13 stitutional, the remainder of this Act, the amendments
14 made by this Act, and the application of the provisions
15 of such to any person or circumstance shall not be affected
16 thereby.

○