

106TH CONGRESS
1ST SESSION

H. R. 316

To amend the Act popularly known as the Johnson Act to restore the effectiveness of State laws over gambling cruises-to-nowhere.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. WOLF (for himself, Mr. GILCHREST, and Mr. SHAYS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Act popularly known as the Johnson Act to restore the effectiveness of State laws over gambling cruises-to-nowhere.

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 “Cruises-to-Nowhere
5 Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds and declares the following:

8 (1) Gambling cruises-to-nowhere are voyages in
9 which a vessel departs a State, sails 3 miles into

1 international waters for the primary purpose of of-
2 fering gambling beyond the jurisdiction of Federal
3 and State laws prohibiting that activity, and returns
4 to the same State.

5 (2) Legal authorities have ruled that existing
6 State laws cannot stop the operation of gambling
7 cruises-to-nowhere, on the basis that the Congress
8 preempted such State laws by the enactment of an
9 obscure amendment buried in a 1992 law entitled
10 “An Act to provide for the designation of the Flower
11 Garden Banks National Marine Sanctuary” (Public
12 Law 102–251).

13 (3) Gambling cruises-to-nowhere offer high-
14 stakes, untaxed, unpoliced, and unregulated casino
15 gambling.

16 (4) Accordingly, it is necessary to make abso-
17 lutely clear that gambling cruises-to-nowhere enjoy
18 no special exception from the operation of existing or
19 future State laws and that relevant Federal law is
20 not intended to preempt, supersede, or weaken the
21 authority of States to apply their own laws to gam-
22 bling cruises-to-nowhere.

23 **SEC. 3. STATE AUTHORITY OVER CRUISES-TO-NOWHERE.**

24 Section 5 of the Act of January 2, 1951, entitled “An
25 Act to prohibit transportation of gambling devices in inter-

1 state and foreign commerce” (15 U.S.C. 1175; popularly
2 known as the Johnson Act), is amended—

3 (1) in subsection (b)(2)(A), by striking “en-
4 acted”; and

5 (2) by adding at the end the following:

6 “(d) NO PREEMPTION OF STATE LAWS.—Nothing in
7 this section shall be construed to preempt the law of any
8 State or possession of the United States.”.

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