

section 5363, or a hypertext link to an online site violating such section, that resides on a computer server that such service controls or operates, except that the limitation in this subparagraph shall not apply if the service is subject to liability under this section under section 5367;

(B) be available only after notice to the interactive computer service and an opportunity for the service to appear are provided;

(C) not impose any obligation on an interactive computer service to monitor its service or to affirmatively seek facts indicating activity violating this subchapter;

(D) specify the interactive computer service to which it applies; and

(E) specifically identify the location of the online site or hypertext link to be removed or access to which is to be disabled.

(2) COORDINATION WITH OTHER LAW.—An interactive computer service that does not violate this subchapter shall not be liable under section 1084(d) of title 18, except that the limitation in this paragraph shall not apply if an interactive computer service has actual knowledge and control of bets and wagers and—

(A) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

(B) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

(d) LIMITATION ON INJUNCTIONS AGAINST REGULATED PERSONS.—Notwithstanding any other provision of this section, and subject to section 5367, no provision of this subchapter shall be construed as authorizing the Attorney General of the United States, or the attorney general (or other appropriate State official) of any State to institute proceedings to prevent or restrain a restricted transaction against any financial transaction provider, to the extent that the person is acting as a financial transaction provider.

(Added Pub. L. 109-347, title VIII, § 802(a), Oct. 13, 2006, 120 Stat. 1959.)

REFERENCES IN TEXT

Rule 65 of the Federal Rules of Civil Procedure, referred to in subsec. (b)(1)(B), (2)(B), is set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

The Indian Gaming Regulatory Act, referred to in subsec. (b)(3), is Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, which is classified principally to chapter 29 (§ 2701 et seq.) of Title 25, Indians. Section 4 of the Act is classified to section 2703 of Title 25. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of Title 25 and Tables.

§ 5366. Criminal penalties

(a) IN GENERAL.—Any person who violates section 5363 shall be fined under title 18, imprisoned for not more than 5 years, or both.

(b) PERMANENT INJUNCTION.—Upon conviction of a person under this section, the court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

(Added Pub. L. 109-347, title VIII, § 802(a), Oct. 13, 2006, 120 Stat. 1961.)

§ 5367. Circumventions prohibited

Notwithstanding section 5362(2), a financial transaction provider, or any interactive computer service or telecommunications service, may be liable under this subchapter if such person has actual knowledge and control of bets and wagers, and—

(1) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

(2) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

(Added Pub. L. 109-347, title VIII, § 802(a), Oct. 13, 2006, 120 Stat. 1961.)

SUBTITLE V—GENERAL ASSISTANCE ADMINISTRATION

Table with 2 columns: Chap. and Sec. listing chapters 61 through 77 and their corresponding sections.

AMENDMENTS

1996—Pub. L. 104-134, title III, § 31001(i)(3)(B), Apr. 26, 1996, 110 Stat. 1321-365, which directed that the table of chapters for subtitle VI of this title be amended by inserting a new item for chapter 77 "Access to information for debt collection" before the item for chapter 91, was executed to the table of chapters for subtitle V of this title by substituting "Access to information for debt collection" for "Loan Requirements" in item for chapter 77, to reflect the probable intent of Congress.

1994—Pub. L. 103-322, title III, § 31002, Sept. 13, 1994, 108 Stat. 1882, added item for chapter 67.

Pub. L. 103-272, § 4(f)(1)(Y)(ii), July 5, 1994, 108 Stat. 1363, added item for chapter 77.

1986—Pub. L. 99-547, § 2(c), Oct. 27, 1986, 100 Stat. 3060, added item for chapter 62.

Pub. L. 99-272, title XIV, § 14001(b)(1), Apr. 7, 1986, 100 Stat. 328, struck out item for chapter 67 "Revenue Sharing".

¹ So in original. Probably should be capitalized.

1984—Pub. L. 98-502, §2(c), Oct. 19, 1984, 98 Stat. 2334, added item for chapter 75.

CHAPTER 61—PROGRAM INFORMATION

- Sec.
- 6101. Definitions.
- 6102. Program information requirements.
- 6102a. Assistance awards information system.
- 6103. Access to computer information system.
- 6104. Catalog of Federal domestic assistance programs.
- 6105. Oversight responsibility of Director.
- 6106. Authorization of appropriations.

AMENDMENTS

1983—Pub. L. 98-169, §6, Nov. 29, 1983, 97 Stat. 1115, added items 6105 and 6106, and struck out item 6105 “Authorization of appropriations”.

Pub. L. 97-452, §1(23)(B), Jan. 12, 1983, 96 Stat. 2478, added item 6102a.

§ 6101. Definitions

In this chapter—

(1) “administering office” means the lowest unit of an agency responsible for managing a domestic assistance program.

(2) “agency” has the same meaning given that term in section 551(1) of title 5.

(3) “assistance”—

(A) means the transfer of anything of value for a public purpose of support or stimulation authorized by a law of the United States, including—

- (i) financial assistance;
- (ii) United States Government facilities, services, and property; and
- (iii) expert and technical information; and

(B) does not include conventional public information services or procurement of property or services for the direct benefit or use of the Government.

(4) “domestic assistance program”—

(A) means assistance from an agency for—

- (i) a State;
- (ii) the District of Columbia;
- (iii) a territory or possession of the United States;
- (iv) a county;
- (v) a city;
- (vi) a political subdivision or instrumentality of a governmental authority listed in subparagraphs (i)–(v) of this clause (A);
- (vii) a domestic corporation;
- (viii) a domestic institution; and
- (ix) an individual of the United States; and

(B) does not include assistance from an agency for an agency.

(5) “Director” means the Director of the Office of Management and Budget.

(6) “Administrator” means the Administrator of General Services.

(7) “formula” means any prescribed method employing objective data or statistical estimates for making individual determinations among recipients of Federal funds, either in terms of eligibility or actual funding allocations, that can be written in the form of either—

(A) a closed mathematical statement; or

(B) an iterative procedure or algorithm which can be written as a computer program;

and from which the results can be objectively replicated, within reasonable limits due to rounding error, through independent application of such statement, procedures, or algorithm, by different qualified individuals.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1000; Pub. L. 98-169, §§1(1), 3(a), Nov. 29, 1983, 97 Stat. 1113; Pub. L. 99-547, §2(b)(2), Oct. 27, 1986, 100 Stat. 3060; Pub. L. 103-272, §4(f)(1)(S), July 5, 1994, 108 Stat. 1362; Pub. L. 104-287, §6(a)(1), Oct. 11, 1996, 110 Stat. 3398.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6101(1)	31:1701(4).	Dec. 28, 1977, Pub. L. 95-220, §2, 91 Stat. 1615.
6101(2)	31:1701(2).	
6101(3)	31:1701(1).	
6101(4)	31:1701(3).	

In the section, the word “Federal” is omitted as unnecessary.

In clause (1), the word “unit” is substituted for “subdivision” for consistency in the revised title. The words “direct operational” are omitted as unnecessary.

In clause (3)(A), the words “money, property, services, or” are omitted as being included in “anything of value”. The word “for” is substituted for “the principal purpose of which is to accomplish” to eliminate unnecessary words. In subparagraph (i), the words “grants, loans, loan guarantees, scholarships, mortgage loans, insurance or other types of” are omitted as being included in “financial assistance”. In subparagraph (ii), the word “goods” is omitted as being included in “property”. The words “and service activities of regulatory agencies” are omitted as being included in “services”. In subparagraph (iii), the words “expert and technical information” are substituted for “technical assistance, and counseling, statistical and other expert information” to eliminate unnecessary words.

In clause (3)(B), the words “or procurement of property or services for the direct benefit or use of the Government” are added for consistency in subtitle V of the revised title.

In clause (4)(A), the words “or benefits” are omitted as being included in “assistance”. Subparagraph (ii) is included for consistency in the revised title because the District of Columbia is stated when a provision is meant to apply to the District. In subparagraph (vi), the word “grouping” is omitted as being included in “political subdivision or instrumentality”. In subparagraphs (vii)–(ix), the words “profit or nonprofit” are omitted as surplus. In subparagraph (ix), the words “individual of the United States” are substituted for “domestic . . . individual” for clarity.

AMENDMENTS

1996—Par. (4)(B). Pub. L. 104-287 made technical amendment to directory language of Pub. L. 103-272. See 1994 Amendment note below.

1994—Par. (4)(B). Pub. L. 103-272, as amended by Pub. L. 104-287, substituted “agency.” for “agency” at end.

1986—Par. (4)(B). Pub. L. 99-547 substituted “assistance from an agency for an agency” for “a department, agency, or instrumentality of the Government.”

1983—Pars. (5), (6). Pub. L. 98-169, §1(1), added pars. (5) and (6).

Par. (7). Pub. L. 98-169, §3(a), added par. (7).

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-287, §6(a), Oct. 11, 1996, 110 Stat. 3398, provided that the amendment made by that section is effective July 5, 1994.