

(e)(1) This section shall not apply to a savings promotion raffle conducted by an insured depository institution or an insured credit union.

(2) In this subsection—

(A) the term “insured credit union” shall have the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(B) the term “insured depository institution” shall have the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(C) the term “savings promotion raffle” means a contest in which the sole consideration required for a chance of winning designated prizes is obtained by the deposit of a specified amount of money in a savings account or other savings program, where each ticket or entry has an equal chance of being drawn, such contest being subject to regulations that may from time to time be promulgated by the appropriate prudential regulator (as defined in section 1002 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481)).

(Added Pub. L. 87-228, §1(a), Sept. 13, 1961, 75 Stat. 498; amended Pub. L. 89-68, July 7, 1965, 79 Stat. 212; Pub. L. 91-513, title II, §701(i)(2), Oct. 27, 1970, 84 Stat. 1282; Pub. L. 99-570, title I, §1365(a), Oct. 27, 1986, 100 Stat. 3207-35; Pub. L. 101-647, title XII, §1205(i), title XVI, §1604, Nov. 29, 1990, 104 Stat. 4831, 4843; Pub. L. 103-322, title XIV, §140007(a), title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2033, 2147; Pub. L. 107-296, title XI, §1112(h), Nov. 25, 2002, 116 Stat. 2277; Pub. L. 112-186, §4(b)(1), Oct. 5, 2012, 126 Stat. 1429; Pub. L. 113-251, §5(1), Dec. 18, 2014, 128 Stat. 2890.)

REFERENCES IN TEXT

Section 102(6) of the Controlled Substances Act, referred to in subsec. (b)(i)(1), is classified to section 802(6) of Title 21, Food and Drugs.

AMENDMENTS

2014—Subsec. (e). Pub. L. 113-251 added subsec. (e).

2012—Subsec. (d). Pub. L. 112-186 added subsec. (d).

2002—Subsec. (c). Pub. L. 107-296 substituted “Attorney General” for “Secretary of the Treasury”.

1994—Pub. L. 103-322, §330016(1)(L), which directed the amendment of this section by substituting “under this title” for “not more than \$10,000”, could not be executed because the phrase “not more than \$10,000” did not appear in text subsequent to amendment of subsec. (a) by Pub. L. 103-322, §140007(a). See below.

Subsec. (a). Pub. L. 103-322, §140007(a), substituted “and thereafter performs or attempts to perform—” and subpars. (A) and (B) for former concluding provisions which read as follows: “and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.”

1990—Subsec. (a). Pub. L. 101-647, §1604, inserted “the mail or” after “uses” and struck out “including the mail,” before “with intent” in introductory provisions.

Subsec. (b). Pub. L. 101-647, §1205(i), inserted “(i)” after “As used in this section” and added cl. (ii).

1986—Subsec. (b)(3). Pub. L. 99-570 added cl. (3).

1970—Subsec. (b)(1). Pub. L. 91-513, §701(i)(2)(A), inserted “or controlled substances (as defined in section 102(6) of the Controlled Substances Act)”.

Subsec. (c). Pub. L. 91-513, §701(i)(2)(B), struck out reference to investigations involving narcotics.

1965—Subsec. (b)(2). Pub. L. 89-68 made section applicable to travel in aid of arson.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-513 effective on first day of seventh calendar month that begins after Oct. 26, 1970, see section 704 of Pub. L. 91-513, set out as an Effective Date note under section 801 of Title 21, Food and Drugs.

SAVINGS PROVISION

Amendment by Pub. L. 91-513 not to affect or abate any prosecutions for any violation of law or any civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of such amendment, and all administrative proceedings pending before the former Bureau of Narcotics and Dangerous Drugs on Oct. 27, 1970, were to be continued and brought to final determination in accord with laws and regulations in effect prior to Oct. 27, 1970, see section 702 of Pub. L. 91-513, set out as a Savings Provision note under section 321 of Title 21, Food and Drugs.

[§ 1952A. Renumbered § 1958]

[§ 1952B. Renumbered § 1959]

§ 1953. Interstate transportation of wagering paraphernalia

(a) Whoever, except a common carrier in the usual course of its business, knowingly carries or sends in interstate or foreign commerce any record, paraphernalia, ticket, certificate, bills, slip, token, paper, writing, or other device used, or to be used, or adapted, devised, or designed for use in (a) bookmaking; or (b) wagering pools with respect to a sporting event; or (c) in a numbers, policy, bolita, or similar game shall be fined under this title or imprisoned for not more than five years or both.

(b) This section shall not apply to (1) parimutuel betting equipment, parimutuel tickets where legally acquired, or parimutuel materials used or designed for use at racetracks or other sporting events in connection with which betting is legal under applicable State law, or (2) the transportation of betting materials to be used in the placing of bets or wagers on a sporting event into a State in which such betting is legal under the statutes of that State, or (3) the carriage or transportation in interstate or foreign commerce of any newspaper or similar publication, or (4) equipment, tickets, or materials used or designed for use within a State in a lottery conducted by that State acting under authority of State law, (5) equipment, tickets, or materials used or designed for use in a savings promotion raffle operated by an insured depository institution or an insured credit union, or (6) the transportation in foreign commerce to a destination in a foreign country of equipment, tickets, or materials designed to be used within that foreign country in a lottery which is authorized by the laws of that foreign country.

(c) Nothing contained in this section shall create immunity from criminal prosecution under any laws of any State, Commonwealth of Puerto Rico, territory, possession, or the District of Columbia.

(d) For purposes of this section—

(1) the term “foreign country” means any empire, country, dominion, colony, or protec-

torate, or any subdivision thereof (other than the United States, its territories or possessions);

(2) the term “insured credit union” shall have the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(3) the term “insured depository institution” shall have the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(4) the term “lottery”—

(A) means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers; and

(B) does not include the placing or accepting of bets or wagers on sporting events or contests;

(5) the term “savings promotion raffle” means a contest in which the sole consideration required for a chance of winning designated prizes is obtained by the deposit of a specified amount of money in a savings account or other savings program, where each ticket or entry has an equal chance of being drawn, such contest being subject to regulations that may from time to time be promulgated by the appropriate prudential regulator (as defined in section 1002 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481)); and

(6) the term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(Added Pub. L. 87-218, §1, Sept. 13, 1961, 75 Stat. 492; amended Pub. L. 93-583, §3, Jan. 2, 1975, 88 Stat. 1916; Pub. L. 96-90, §2, Oct. 23, 1979, 93 Stat. 698; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 113-251, §5(2), Dec. 18, 2014, 128 Stat. 2891.)

AMENDMENTS

2014—Subsec. (b). Pub. L. 113-251, §5(2)(A), substituted “(5) equipment, tickets, or materials used or designed for use in a savings promotion raffle operated by an insured depository institution or an insured credit union, or (6)” for “or (5)”.

Subsecs. (d), (e). Pub. L. 113-251, §5(2)(B), added subsec. (d) and struck out former subsecs. (d) and (e) which read as follows:

“(d) For the purposes of this section (1) ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; and (2) ‘foreign country’ means any empire, country, dominion, colony, or protectorate, or any subdivision thereof (other than the United States, its territories or possessions).

“(e) For the purposes of this section ‘lottery’ means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. ‘Lottery’ does not include the placing or accepting of bets or wagers on sporting events or contests.”

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

1979—Subsec. (b)(5). Pub. L. 96-90, §2(1), added cl. (5). Subsecs. (d), (e). Pub. L. 96-90, §2(2), added subsecs. (d) and (e).

1975—Subsec. (b)(4). Pub. L. 93-583 added cl. (4).

§ 1954. Offer, acceptance, or solicitation to influence operations of employee benefit plan

Whoever being—

(1) an administrator, officer, trustee, custodian, counsel, agent, or employee of any employee welfare benefit plan or employee pension benefit plan; or

(2) an officer, counsel, agent, or employee of an employer or an employer any of whose employees are covered by such plan; or

(3) an officer, counsel, agent, or employee of an employee organization any of whose members are covered by such plan; or

(4) a person who, or an officer, counsel, agent, or employee of an organization which, provides benefit plan services to such plan

receives or agrees to receive or solicits any fee, kickback, commission, gift, loan, money, or thing of value because of or with intent to be influenced with respect to, any of the actions, decisions, or other duties relating to any question or matter concerning such plan or any person who directly or indirectly gives or offers, or promises to give or offer, any fee, kickback, commission, gift, loan, money, or thing of value prohibited by this section, shall be fined under this title or imprisoned not more than three years, or both: *Provided*, That this section shall not prohibit the payment to or acceptance by any person of bona fide salary, compensation, or other payments made for goods or facilities actually furnished or for services actually performed in the regular course of his duties as such person, administrator, officer, trustee, custodian, counsel, agent, or employee of such plan, employer, employee organization, or organization providing benefit plan services to such plan.

As used in this section, the term (a) “any employee welfare benefit plan” or “employee pension benefit plan” means any employee welfare benefit plan or employee pension benefit plan, respectively, subject to any provision of title I of the Employee Retirement Income Security Act of 1974, and (b) “employee organization” and “administrator” as defined respectively in sections 3(4) and (3)(16) of the Employee Retirement Income Security Act of 1974.

(Added Pub. L. 87-420, §17(e), Mar. 20, 1962, 76 Stat. 42; amended Pub. L. 91-452, title II, §225, Oct. 15, 1970, 84 Stat. 930; Pub. L. 93-406, title I, §111(a)(2)(C), Sept. 2, 1974, 88 Stat. 852; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

REFERENCES IN TEXT

The Employee Retirement Income Security Act of 1974, referred to in text, is Pub. L. 93-406, Sept. 2, 1974, 88 Stat. 829, as amended. Title I of the Employee Retirement Income Security Act of 1974, referred to in text, is classified generally to subchapter I (§1001 et seq.) of chapter 18 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 29 and Tables.

Section 3(4) of the Employee Retirement Income Security Act of 1974, referred to in text, is classified to section 1002(4) of Title 29.

Section (3)(16) of the Employee Retirement Income Security Act of 1974, referred to in text, probably means section 3(16) of the Employee Retirement Income Security Act of 1974, which is classified to section 1002(16) of Title 29.