

**AMENDMENT TO H.R. 4173****OFFERED BY MR. WITTMAN OF VIRGINIA**

Add at the end the following new title (and update the table of contents accordingly):

1 **TITLE VII—BANK LOTTERY PRO-**  
2 **VISIONS CLARIFICATION ACT**

3 **SECTION 9001. SHORT TITLE.**

4 This Act may be cited as the “Bank Lottery Provi-  
5 sions Clarification Act of 2009”.

6 **SEC. 9002. AMENDMENTS CLARIFYING APPLICATION OF**  
7 **VARIOUS BANKING LAWS.**

8 (a) **REVISED STATUTES.**—Subsection (d) of section  
9 5136B of the Revised Statutes of the United States (12  
10 U.S.C. 25a(d)) is amended to read as follows:

11 “(d) **EXCEPTIONS.**—No provision of this section shall  
12 be construed as prohibiting a national bank from—

13 “(1) accepting deposits or cashing or otherwise  
14 handling checks or other negotiable instruments, or  
15 performing other lawful banking services for a State  
16 operating a lottery, or for an officer or employee of  
17 that State who is charged with the administration of  
18 the lottery; or

1           “(2) announcing, advertising, publicizing, or  
2           dealing in any lottery where the money or credit ob-  
3           tained in connection with such lottery primarily ben-  
4           efits 1 or more charitable organizations exempt from  
5           taxation under section 501(c)(3) of the Internal Rev-  
6           enue Code of 1986.”.

7           (b) FEDERAL RESERVE ACT.—Subsection (d) of sec-  
8           tion 9A of the Federal Reserve Act (12 U.S.C. 339(d))  
9           is amended to read as follows:

10          “(d) EXCEPTIONS.—No provision of this section shall  
11          be construed as prohibiting a State member bank from—

12               “(1) accepting deposits or cashing or otherwise  
13               handling checks or other negotiable instruments, or  
14               performing other lawful banking services for a State  
15               operating a lottery, or for an officer or employee of  
16               that State who is charged with the administration of  
17               the lottery; or

18               “(2) announcing, advertising, publicizing, or  
19               dealing in any lottery where the money or credit ob-  
20               tained in connection with such lottery primarily ben-  
21               efits 1 or more charitable organizations exempt from  
22               taxation under section 501(c)(3) of the Internal Rev-  
23               enue Code of 1986.”.

1 (c) FEDERAL DEPOSIT INSURANCE ACT.—Sub-  
2 section (d) of section 20 of the Federal Deposit Insurance  
3 Act (12 U.S.C. 1829a(d)) is amended to read as follows:

4 “(d) EXCEPTIONS.—No provision of this section shall  
5 be construed as prohibiting a State nonmember insured  
6 bank from—

7 “(1) accepting deposits or cashing or otherwise  
8 handling checks or other negotiable instruments, or  
9 performing other lawful banking services for a State  
10 operating a lottery, or for an officer or employee of  
11 that State who is charged with the administration of  
12 the lottery; or

13 “(2) announcing, advertising, publicizing, or  
14 dealing in any lottery where the money or credit ob-  
15 tained in connection with such lottery primarily ben-  
16 efits 1 or more charitable organizations exempt from  
17 taxation under section 501(c)(3) of the Internal Rev-  
18 enue Code of 1986.”

19 (d) HOME OWNERS’ LOAN ACT.—Paragraph (4) of  
20 section 4(e) of the Home Owners’ Loan Act ( U.S.C.  
21 1463(e)(4)) is amended to read as follows:

22 “(4) EXCEPTIONS.—No provision of this sub-  
23 section shall be construed as prohibiting any savings  
24 association from—

1           “(A) accepting deposits or cashing or oth-  
2           erwise handling checks or other negotiable in-  
3           struments, or performing other lawful banking  
4           services for a State operating a lottery, or for  
5           an officer or employee of that State who is  
6           charged with the administration of the lottery;  
7           or

8           “(B) announcing, advertising, publicizing,  
9           or dealing in any lottery where the money or  
10          credit obtained in connection with such lottery  
11          primarily benefits 1 or more charitable organi-  
12          zations exempt from taxation under section  
13          501(c)(3) of the Internal Revenue Code of  
14          1986.”.

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