

§ 1303. Postmaster or employee as lottery agent¹

Whoever, being an officer or employee of the Postal Service, acts as agent for any lottery of-
fice, or under color of purchase or otherwise,
vends lottery tickets, or knowingly sends by
mail or delivers any letter, package, postal card,
circular, or pamphlet advertising any lottery,
gift enterprise, or similar scheme, offering
prizes dependent in whole or in part upon lot or
chance, or any ticket, certificate, or instrument
representing any chance, share, or interest in or
dependent upon the event of any lottery, gift en-
terprise, or similar scheme offering prizes de-
pendent in whole or in part upon lot or chance,
or any list of the prizes awarded by means of
any such scheme, shall be fined under this title
or imprisoned not more than one year, or both.
(June 25, 1948, ch. 645, 62 Stat. 763; Pub. L. 91-375,
§6(j)(10), Aug. 12, 1970, 84 Stat. 778; Pub. L.
103-322, title XXXIII, §330016(1)(B), Sept. 13, 1994,
108 Stat. 2146.)

HISTORICAL AND REVISION NOTES

Based on title 18 U.S.C., 1940 ed., §337 (Mar. 4, 1909, ch.
321, §214, 35 Stat. 1130). Minor changes were made in
phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this
title” for “fined not more than \$100”.

1970—Pub. L. 91-375 substituted “an officer or em-
ployee of the Postal Service” for “a postmaster or
other person employed in the Postal Service”.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year
after Aug. 12, 1970, on date established thereby by the
Board of Governors of the United States Postal Service
and published by it in the Federal Register, see section
15(a) of Pub. L. 91-375, set out as an Effective Date note
preceding section 101 of Title 39, Postal Service.

§ 1304. Broadcasting lottery information

Whoever broadcasts by means of any radio or
television station for which a license is required
by any law of the United States, or whoever, op-
erating any such station, knowingly permits the
broadcasting of, any advertisement of or infor-
mation concerning any lottery, gift enterprise,
or similar scheme, offering prizes dependent in
whole or in part upon lot or chance, or any list
of the prizes drawn or awarded by means of any
such lottery, gift enterprise, or scheme, whether
said list contains any part or all of such prizes,
shall be fined under this title or imprisoned not
more than one year, or both.

Each day's broadcasting shall constitute a
separate offense.

(June 25, 1948, ch. 645, 62 Stat. 763; Pub. L.
100-625, §3(a)(4), Nov. 7, 1988, 102 Stat. 3206; Pub.
L. 103-322, title XXXIII, §330016(1)(H), Sept. 13,
1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on section 316 of title 47, U.S.C., 1940 ed., Tele-
graphs, Telephones, and Radiotelegraphs (June 19, 1934,
ch. 652, §316, 48 Stat. 1088).

Words “upon conviction thereof” were deleted as sur-
plusage since punishment can be imposed only after a
conviction.

¹Section catchline was not amended to conform to change
made in the text by Pub. L. 91-375.

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this
title” for “fined not more than \$1,000”.

1988—Pub. L. 100-625 inserted “or television” after
“radio” in first sentence.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 5 of Pub. L. 100-625 provided that: “The
amendments made by this Act [amending this section
and section 1307 of this title and section 3005 of Title 39,
Postal Service] shall take effect 18 months after the
date of the enactment of this Act [Nov. 7, 1988].”

§ 1305. Fishing contests

The provisions of this chapter shall not apply
with respect to any fishing contest not con-
ducted for profit wherein prizes are awarded for
the specie, size, weight, or quality of fish caught
by contestants in any bona fide fishing or rec-
reational event.

(Added Aug. 16, 1950, ch. 722, §1, 64 Stat. 451.)

§ 1306. Participation by financial institutions

Whoever knowingly violates section 5136A¹ of
the Revised Statutes of the United States, sec-
tion 9A of the Federal Reserve Act, or section 20
of the Federal Deposit Insurance Act shall be
fined under this title or imprisoned not more
than one year, or both.

(Added Pub. L. 90-203, §5(a), Dec. 15, 1967, 81
Stat. 611; amended Pub. L. 101-73, title IX,
§962(b), Aug. 9, 1989, 103 Stat. 502; Pub. L. 103-322,
title XXXIII, §330016(1)(H), Sept. 13, 1994, 108
Stat. 2147.)

REFERENCES IN TEXT

Section 5136A of the Revised Statutes of the United
States, referred to in text, was renumbered section
5136B and a new section 5136A was added by Pub. L.
106-102, title I, §121(a), Nov. 12, 1999, 113 Stat. 1373. Sec-
tions 5136A and 5136B of the Revised Statutes are class-
ified to sections 24a and 25a, respectively, of Title 12,
Banks and Banking.

Section 9A of the Federal Reserve Act, referred to in
text, is classified to section 339 of Title 12.

Section 20 of the Federal Deposit Insurance Act, re-
ferred to in text, is classified to section 1829a of Title
12.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this
title” for “fined not more than \$1,000”.

1989—Pub. L. 101-73 struck out reference to section
410 of the National Housing Act.

EFFECTIVE DATE

Section effective Apr. 1, 1968, see section 6 of Pub. L.
90-203, set out as a note under section 25a of Title 12,
Banks and Banking.

**§ 1307. Exceptions relating to certain advertise-
ments and other information and to State-
conducted lotteries**

(a) The provisions of sections 1301, 1302, 1303,
and 1304 shall not apply to—

(1) an advertisement, list of prizes, or other
information concerning a lottery conducted by
a State acting under the authority of State
law which is—

¹See References in Text note below.

(A) contained in a publication published in that State or in a State which conducts such a lottery; or

(B) broadcast by a radio or television station licensed to a location in that State or a State which conducts such a lottery; or

(2) an advertisement, list of prizes, or other information concerning a lottery, gift enterprise, or similar scheme, other than one described in paragraph (1), that is authorized or not otherwise prohibited by the State in which it is conducted and which is—

(A) conducted by a not-for-profit organization or a governmental organization; or

(B) conducted as a promotional activity by a commercial organization and is clearly occasional and ancillary to the primary business of that organization.

(b) The provisions of sections 1301, 1302, and 1303 shall not apply to the transportation or mailing—

(1) to addresses within a State of equipment, tickets, or material concerning a lottery which is conducted by that State acting under the authority of State law; or

(2) to an addressee within a foreign country of equipment, tickets, or material designed to be used within that foreign country in a lottery which is authorized by the law of that foreign country.

(c) 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).

(d) For the purposes of subsection (b) 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. For purposes of this section, the term a “not-for-profit organization” means any organization that would qualify as tax exempt under section 501 of the Internal Revenue Code of 1986.

(Added Pub. L. 93-583, §1, Jan. 2, 1975, 88 Stat. 1916; amended Pub. L. 94-525, §1, Oct. 17, 1976, 90 Stat. 2478; Pub. L. 96-90, §1, Oct. 23, 1979, 93 Stat. 698; Pub. L. 100-625, §§2(a), (b), 3(a)(1), (3), Nov. 7, 1988, 102 Stat. 3205, 3206.)

REFERENCES IN TEXT

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (d), is classified to section 501 of Title 26, Internal Revenue Code.

AMENDMENTS

1988—Pub. L. 100-625, §3(a)(1), substituted “Exceptions relating to certain advertisements and other information and to State-conducted lotteries” for “State-conducted lotteries” in section catchline.

Subsec. (a). Pub. L. 100-625, §2(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The provisions of sections 1301, 1302, 1303, and 1304 shall not apply to an advertisement, list of prizes,

or information concerning a lottery conducted by a State acting under the authority of State law—

“(1) contained in a newspaper published in that State or in an adjacent State which conducts such a lottery, or

“(2) broadcast by a radio or television station licensed to a location in that State or an adjacent State which conducts such a lottery.”

Subsec. (d). Pub. L. 100-625, §§2(b), 3(a)(3), inserted “subsection (b) of” after “purposes of” and inserted at end “For purposes of this section, the term a ‘not-for-profit organization’ means any organization that would qualify as tax exempt under section 501 of the Internal Revenue Code of 1986.”

1979—Subsec. (b). Pub. L. 96-90, §1(a), incorporated existing provision in text designated cl. (1), included mailing of equipment, and added cl. (2).

Subsec. (c). Pub. L. 96-90, §1(b), designated existing text as cl. (1) and added cl. (2).

1976—Subsec. (a)(1). Pub. L. 94-525 inserted “or in an adjacent State which conducts such a lottery” after “State”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-625 effective 18 months after Nov. 7, 1988, see section 5 of Pub. L. 100-625, set out as a note under section 1304 of this title.

SEVERABILITY

Section 4 of Pub. L. 100-625 provided that: “If any provision of this Act or the amendments made by this Act [amending sections 1304 and 1307 of this title and section 3005 of Title 39, Postal Service, and enacting provisions set out as notes under sections 1301 and 1304 of this title], or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.”

CHAPTER 63—MAIL FRAUD AND OTHER FRAUD OFFENSES

Sec.

1341.	Frauds and swindles.
1342.	Fictitious name or address.
1343.	Fraud by wire, radio, or television.
1344.	Bank fraud.
1345.	Injunctions against fraud.
1346.	Definition of “scheme or artifice to defraud”.
1347.	Health care fraud.
1348.	Securities and commodities fraud.
1349.	Attempt and conspiracy.
1350.	Failure of corporate officers to certify financial reports.
1351.	Fraud in foreign labor contracting.

AMENDMENTS

2009—Pub. L. 111-21, §2(e)(2), May 20, 2009, 123 Stat. 1618, inserted “and commodities” after “Securities” in item 1348.

2008—Pub. L. 110-457, title II, §222(e)(1), (3), Dec. 23, 2008, 122 Stat. 5070, 5071, inserted “AND OTHER FRAUD OFFENSES” after “MAIL FRAUD” in chapter heading and added item 1351.

2002—Pub. L. 107-204, title VIII, §807(b), title IX, §§902(b), 906(b), July 30, 2002, 116 Stat. 804-806, added items 1348 to 1350.

1996—Pub. L. 104-191, title II, §242(a)(2), Aug. 21, 1996, 110 Stat. 2016, added item 1347.

1990—Pub. L. 101-647, title XXXV, §3541, Nov. 29, 1990, 104 Stat. 4925, substituted “or” for “and” in item 1342.

1988—Pub. L. 100-690, title VII, §7603(b), Nov. 18, 1988, 102 Stat. 4508, added item 1346.

1984—Pub. L. 98-473, title II, §§1108(b), 1205(b), Oct. 12, 1984, 98 Stat. 2147, 2153, added items 1344 and 1345.

1952—Act July 16, 1952, ch. 879, §18(b), 66 Stat. 722, added item 1343.