

terprise, or similar scheme offering prizes dependent 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 employee 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, operating any such station, knowingly permits the broadcasting of, any advertisement of or information 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., Telegraphs, Telephones, and Radiotelegraphs (June 19, 1934, ch. 652, §316, 48 Stat. 1088).

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

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 recreational event.

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

### § 1306. Participation by financial institutions

Whoever knowingly violates section 5136A<sup>1</sup> of the Revised Statutes of the United States, section 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. Sections 5136A and 5136B of the Revised Statutes are classified 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, referred 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 advertisements 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—

(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 oc-

<sup>1</sup> See References in Text note below.

casional 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.

#### § 1341. Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or