

106TH CONGRESS
1ST SESSION

H. R. 2731

To amend title 39, United States Code, to establish a notification system under which individuals may elect not to receive mailings related to skill contests or sweepstakes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mr. BLAGOJEVICH introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To amend title 39, United States Code, to establish a notification system under which individuals may elect not to receive mailings related to skill contests or sweepstakes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer Choice and
5 Sweepstakes Control Act”.

1 **SEC. 2. REQUIREMENTS OF PROMOTERS OF SKILL CON-**
2 **TESTS OR SWEEPSTAKES MAILINGS.**

3 (a) IN GENERAL.—Chapter 30 of title 39, United
4 States Code, is amended by adding after section 3015 the
5 following:

6 **“§ 3016. Nonmailable skill contests or sweepstakes**
7 **matter; notification to prohibit mailings**

8 “(a) DEFINITIONS.—In this section, the term—

9 “(1) ‘promoter’ means any person who—

10 “(A) originates and mails any skill contest
11 or sweepstakes; or

12 “(B) originates and causes to be mailed
13 any skill contest or sweepstakes;

14 “(2) ‘removal request’ means a request stating
15 that an individual elects to have the name and ad-
16 dress of such individual excluded from any list used
17 by a promoter for mailing skill contests or sweep-
18 stakes;

19 “(3) ‘skill contest’ means a puzzle, game, com-
20 petition, or other contest in which—

21 “(A) a prize is awarded or offered;

22 “(B) the outcome depends predominately
23 on the skill of the contestant; and

24 “(C) a purchase, payment, or donation is
25 required or implied to be required to enter the
26 contest; and

1 “(4) ‘sweepstakes’ means a game of chance for
2 which no consideration is required to enter.

3 “(b) NONMAILABLE MATTER.—

4 “(1) IN GENERAL.—Matter otherwise legally ac-
5 ceptable in the mails described under paragraph
6 (2)—

7 “(A) is nonmailable matter;

8 “(B) shall not be carried or delivered by
9 mail; and

10 “(C) shall be disposed of as the Postal
11 Service directs.

12 “(2) NONMAILABLE MATTER DESCRIBED.—
13 Matter that is nonmailable matter referred to under
14 paragraph (1) is any matter that—

15 “(A) is a skill contest or sweepstakes; and

16 “(B)(i) is addressed to an individual who
17 made an election to be excluded from lists
18 under subsection (d); or

19 “(ii) does not comply with subsection
20 (c)(1).

21 “(c) REQUIREMENTS OF PROMOTERS.—

22 “(1) NOTICE TO INDIVIDUALS.—Any promoter
23 who mails a skill contest or sweepstakes shall pro-
24 vide with each mailing a statement that—

25 “(A) is clearly and conspicuously displayed;

1 “(B) includes the address or toll-free tele-
2 phone number of the notification system estab-
3 lished by such promoter under paragraph (2);
4 and

5 “(C) states that the notification system
6 may be used to prohibit the mailing of all skill
7 contests or sweepstakes by that promoter to
8 such individual.

9 “(2) NOTIFICATION SYSTEM.—Any promoter
10 that mails or causes to be mailed a skill contest or
11 sweepstakes shall establish and maintain a notifica-
12 tion system that provides for any individual (or
13 other duly authorized person) to notify the system of
14 the individual’s election to have the name and ad-
15 dress of the individual excluded from all lists of
16 names and addresses used by that promoter to mail
17 any skill contest or sweepstakes.

18 “(d) ELECTION TO BE EXCLUDED FROM LISTS.—

19 “(1) IN GENERAL.—An individual (or other
20 duly authorized person) may elect to exclude the
21 name and address of that individual from all lists of
22 names and addresses used by a promoter of skill
23 contests or sweepstakes by submitting a removal re-
24 quest to the notification system established under
25 subsection (c).

1 “(2) RESPONSE AFTER SUBMITTING REMOVAL
2 REQUEST TO THE NOTIFICATION SYSTEM.—Not
3 later than 35 calendar days after a promoter re-
4 ceives a removal request pursuant to an election
5 under paragraph (1), the promoter shall exclude the
6 individual’s name and address from all lists of
7 names and addresses used by that promoter to select
8 recipients for any skill contest or sweepstakes.

9 “(3) EFFECTIVENESS OF ELECTION.—An elec-
10 tion under paragraph (1) shall remain in effect, un-
11 less an individual (or other duly authorized person)
12 notifies the promoter in writing that such
13 individual—

14 “(A) has changed the election; and

15 “(B) elects to receive skill contest or
16 sweepstakes mailings from that promoter.

17 “(e) PROMOTER NONLIABILITY.—A promoter shall
18 not be subject to civil liability for the exclusion of an indi-
19 vidual’s name or address from any list maintained by that
20 promoter for mailing skill contests or sweepstakes, if—

21 “(1) a removal request is received by the pro-
22 moter’s notification system; and

23 “(2) the promoter has a good faith belief that
24 the request is from—

1 “(A) the individual whose name and ad-
2 dress is to be excluded; or

3 “(B) another duly authorized person.

4 “(f) PROHIBITION ON COMMERCIAL USE OF LISTS.—

5 “(1) IN GENERAL.—

6 “(A) PROHIBITION.—No person may pro-
7 vide any information (including the sale or rent-
8 al of any name or address) derived from a list
9 described under subparagraph (B) to another
10 person for commercial use.

11 “(B) LISTS.—A list referred to under sub-
12 paragraph (A) is any list of names and address-
13 es (or other related information) compiled from
14 individuals who exercise an election under sub-
15 section (d).

16 “(2) CIVIL PENALTY.—Any person who violates
17 paragraph (1) shall be assessed a civil penalty by the
18 Postal Service not to exceed \$2,000,000 per viola-
19 tion.

20 “(g) CIVIL PENALTIES.—

21 “(1) IN GENERAL.—Any promoter—

22 “(A) who recklessly mails nonmailable
23 matter in violation of subsection (b) shall be lia-
24 ble to the United States in an amount of

1 \$10,000 per violation for each mailing to an in-
2 dividual of nonmailable matter; or

3 “(B) who fails to comply with the require-
4 ments of subsection (c)(2) shall be liable to the
5 United States.

6 “(2) ENFORCEMENT.—The Postal Service shall
7 assess civil penalties under this section.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 for chapter 30 of title 39, United States Code, is amended
10 by adding after the item relating to section 3015 the fol-
11 lowing:

 “3016. Nonmailable skill contests or sweepstakes matter; notification to prohibit
 mailings.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect 8 months after the date of
14 enactment of this Act.

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