

Before the  
Federal Communications Commission  
Washington, D.C. 20554

**PUBLIC NOTICE**

Released: April 25, 1989

**NEW LAWS AFFECT BROADCAST  
OF LOTTERY INFORMATION**

On October 17, 1988, the President signed into law the Indian Gaming Regulatory Act. This Act, which became effective immediately, establishes a National Indian Gaming Commission ("Gaming Commission") and a regulatory framework to govern bingo and certain other gaming activities conducted on Indian lands. Bingo or other games that are conducted by an Indian tribe pursuant to this Act are exempted from the prohibition on the broadcast of lottery information contained in the federal criminal code at 18 U.S.C. §1304. Accordingly, such games may be advertised or promoted on broadcast media.

In the period before the Gaming Commission is established, the Office of the Solicitor in the Department of the Interior will provide information on whether a particular game is being conducted pursuant to the Act. Michael Cox is the Interior Department's contact person for questions concerning the Act and for obtaining determinations as to which games are in compliance with the Act. He can be reached at (202) 343-9331.

This Act supersedes in part section 73.1211 of our regulations governing the broadcast of lottery information, and section 76.213, governing the cablecast of lottery information. The Commission shortly will take action to conform its regulations with the provisions of the Act. Until this action is completed, the existing regulations will not be applied to bingo or other games that are conducted by an Indian tribe pursuant to the Act as determined by the Office of the Solicitor in the Department of the Interior or, when established, by the Gaming Commission.

In another action affecting the broadcast of lottery information, on November 7, 1988, the President signed into law the Charity Games Advertising Act of 1988. This Act will become effective on May 7, 1990. At that time the law will allow broadcast advertisements of certain lotteries in states that allow such activities. More specifically, broadcasters will be permitted to promote, provide information about, or advertise lotteries conducted by not-for-profit organizations, governmental organizations and, if the lottery is clearly occasional and ancillary to the primary business of the commercial organization, by commercial entities as long as the particular lottery is authorized or not otherwise prohibited by the state in which it is conducted. This statute will not remove the prohibition on broadcast advertising for gambling casinos, such as those in Las Vegas, Nevada, and Atlantic City, New Jersey. Finally, the new law will permit broadcast stations in any state that conducts a lottery to advertise any state-conducted lottery. Currently the criminal code permits stations in a state that conducts a lottery to broadcast only those advertisements concerning that state's lottery or

state-conducted lotteries in adjacent states. Broadcasters are cautioned that this new law takes effect on May 7, 1990. Prior to that date the Commission will take action to change its rules effective May 7, 1990. Until then, the broadcast of the type of lottery information described above remains prohibited by both the federal criminal code and the Commission's rules.

For further information contact Ben Halprin, (202) 632-3860.

FEDERAL COMMUNICATIONS COMMISSION