

to the same extent as any nongovernmental entity.

[See main edition for text of (b)]

(As amended Oct. 27, 1992, Pub. L. 102-542, § 3(c), 106 Stat. 3568.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-542 designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and added par. (2).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-542 effective with respect to violations that occur on or after Oct. 27, 1992, see section 4 of Pub. L. 102-542, set out as a note under section 1114 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1114, 1116, 1117, 1118, 1122 of this title.

§ 1127. Construction and definitions; intent of chapter

In the construction of this chapter, unless the contrary is plainly apparent from the context—

[See main edition for text of first three undesignated pars.]

The term “person” and any other word or term used to designate the applicant or other entitled to a benefit or privilege or rendered liable under the provisions of this chapter includes a juristic person as well as a natural person. The term “juristic person” includes a firm, corporation, union, association, or other organization capable of suing and being sued in a court of law.

The term “person” also includes any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in his or her official capacity. Any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this chapter in the same manner and to the same extent as any nongovernmental entity.

[See main edition for text of last seventeen undesignated pars.]

(As amended Oct. 27, 1992, Pub. L. 102-542, § 3(d), 106 Stat. 3568.)

AMENDMENTS

1992—Pub. L. 102-542 inserted after fourth undesignated paragraph “The term ‘person’ also includes any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in his or her official capacity. Any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this chapter in the same manner and to the same extent as any nongovernmental entity.”

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-542 effective with respect to violations that occur on or after Oct. 27, 1992, see section 4 of Pub. L. 102-542, set out as a note under section 1114 of this title.

CHAPTER 24—TRANSPORTATION OF GAMBLING DEVICES

§ 1171. Definitions

As used in this chapter—

[See main edition for text of (a) to (e)]

(f) The term “boundaries” has the same meaning given that term in section 1301 of title 43.

(As amended Mar. 9, 1992, Pub. L. 102-251, title II, § 202(c), 106 Stat. 62.)

AMENDMENTS

1992—Subsec. (f). Pub. L. 102-251 added subsec. (f).

§ 1172. Transportation of gambling devices as unlawful; exceptions; authority of Federal Trade Commission

(a) General rule

It shall be unlawful knowingly to transport any gambling device to any place in a State or a possession of the United States from any place outside of such State or possession: *Provided*, That this section shall not apply to transportation of any gambling device to a place in any State which has enacted a law providing for the exemption of such State from the provisions of this section, or to a place in any subdivision of a State if the State in which such subdivision is located has enacted a law providing for the exemption of such subdivision from the provisions of this section, nor shall this section apply to any gambling device used or designed for use at and transported to licensed gambling establishments where betting is legal under applicable State laws: *Provided, further*, That it shall not be unlawful to transport in interstate or foreign commerce any gambling device into any State in which the transported gambling device is specifically enumerated as lawful in a statute of that State.

(b) Authority of Federal Trade Commission

Nothing in this chapter shall be construed to interfere with or reduce the authority, or the existing interpretation of the authority, of the Federal Trade Commission under the Federal Trade Commission Act [15 U.S.C. 41 et seq.].

(c) Exception

This section does not prohibit the transport of a gambling device to a place in a State or a possession of the United States on a vessel on a voyage, if—

(1) use of the gambling device on a portion of that voyage is, by reason of subsection (b) of section 1175 of this title, not a violation of that section; and

(2) the gambling device remains on board that vessel while in that State.

(As amended Mar. 9, 1992, Pub. L. 102-251, title II, § 202(a), 106 Stat. 61.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsec. (b), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§ 41 et seq.) of chapter 2 of this title. For com-

plete classification of this Act to the Code, see section 58 of this title and Tables.

AMENDMENTS

1992—Pub. L. 102-251, § 202(a)(1), (3), (4), designated existing provisions as subssecs. (a) and (b), inserted headings, and added subsec. (c).

Pub. L. 102-251, § 202(a)(2), which directed that “, District of Columbia,” be struck out in subsec. (a), was executed by striking out “, the District of Columbia,” after “place in a State” and “outside of such State” to reflect the probable intent of Congress.

§ 1175. Specific jurisdictions within which manufacturing, repairing, selling, possessing, etc., prohibited; exceptions

(a) General rule

It shall be unlawful to manufacture, recondition, repair, sell, transport, possess, or use any gambling device in the District of Columbia, in any possession of the United States, within Indian country as defined in section 1151 of title 18 or within the special maritime and territorial jurisdiction of the United States as defined in section 7 of title 18, including on a vessel documented under chapter 121 of title 46 or documented under the laws of a foreign country.

(h) Exception

(1) In general

Except as provided in paragraph (2), this section does not prohibit—

(A) the repair, transport, possession, or use of a gambling device on a vessel that is not within the boundaries of any State or possession of the United States; or

(B) the transport or possession, on a voyage, of a gambling device on a vessel that is within the boundaries of any State or possession of the United States, if—

(i) use of the gambling device on a portion of that voyage is, by reason of subparagraph (A), not a violation of this section; and

(ii) the gambling device remains on board that vessel while the vessel is within the boundaries of that State or possession.

(2) Application to certain voyages

(A) General rule

Paragraph (1)(A) does not apply to the repair or use of a gambling device on a vessel that is on a voyage or segment of a voyage described in subparagraph (B) of this paragraph if the State or possession of the United States in which the voyage or segment begins and ends has enacted a statute the terms of which prohibit that repair or use on that voyage or segment.

(B) Voyage and segment described

A voyage or segment of a voyage referred to in subparagraph (A) is a voyage or segment, respectively—

(i) that begins and ends in the same State or possession of the United States, and

(ii) during which the vessel does not make an intervening stop within the boundaries of another State or possession of the United States or a foreign country.

(As amended Mar. 9, 1992, Pub. L. 102-251, title II, § 202(b), 106 Stat. 61.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-251, § 202(b)(1), (2), designated existing provisions as subsec. (a), inserted heading, and inserted before period at end “, including on a vessel documented under chapter 121 of title 46 or documented under the laws of a foreign country”.

Subsec. (b). Pub. L. 102-251, § 202(b)(3), added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1172, 1176 of this title; title 25 section 2710.

CHAPTER 25—FLAMMABLE FABRICS

§ 1193. Flammability standards or regulations

[See main edition for text of (a) to (g)]

(h) Voluntary standard; publication as proposed regulation; prerequisites for reliance by Commission

[See main edition for text of (1)]

(2) If the Commission determines that—

(A) compliance with any standard submitted to it in response to an invitation in a notice published under subsection (g)(6) of this section is likely to result in the elimination or adequate reduction of the risk of injury identified in the notice, and

(B) it is likely that there will be substantial compliance with such standard,

the Commission shall terminate any proceeding to promulgate a regulation respecting such risk of injury and shall publish in the Federal Register a notice which includes the determination of the Commission and which notifies the public that the Commission will rely on the voluntary standard to eliminate or reduce the risk of injury, except that the Commission shall terminate any such proceeding and rely on a voluntary standard only if such voluntary standard is in existence. For purposes of this section, a voluntary standard shall be considered to be in existence when it is finally approved by the organization or other person which developed such standard, irrespective of the effective date of the standard. Before relying upon any voluntary standard, the Commission shall afford interested persons (including manufacturers, consumers, and consumer organizations) a reasonable opportunity to submit written comments regarding such standard. The Commission shall consider such comments in making any determination regarding reliance on the involved voluntary standard under this subsection.

(3) The Commission shall devise procedures to monitor compliance with any voluntary standards—

(A) upon which the Commission has relied under paragraph (2) of this subsection;

(B) which were developed with the participation of the Commission; or

(C) whose development the Commission has monitored.

[See main edition for text of (i) and (j)]