

## EFFECTIVE DATE

Pub. L. 102-559, §3, Oct. 28, 1992, 106 Stat. 4229, provided that: "This Act [enacting this chapter and provisions set out as a note under section 1 of this title] shall take effect on January 1, 1993."

**§ 3702. Unlawful sports gambling**

It shall be unlawful for—

(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games.

(Added Pub. L. 102-559, §2(a), Oct. 28, 1992, 106 Stat. 4228.)

## CONSTITUTIONALITY

For information regarding constitutionality of par. (1) of this section, as added by section 2(a) of Pub. L. 102-559, see Government Publishing Office, *The Constitution of the United States of America: Analysis and Interpretation, Acts of Congress Held Unconstitutional in Whole or in Part by the Supreme Court of the United States, 2018 Supplement*, prepared by the Congressional Research Service.

## EFFECTIVE DATE

Section effective Jan. 1, 1993, see section 3 of Pub. L. 102-559, set out as a note under section 3701 of this title.

**§ 3703. Injunctions**

A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States, or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of such violation.

(Added Pub. L. 102-559, §2(a), Oct. 28, 1992, 106 Stat. 4228.)

## EFFECTIVE DATE

Section effective Jan. 1, 1993, see section 3 of Pub. L. 102-559, set out as a note under section 3701 of this title.

**§ 3704. Applicability**

(a) Section 3702 shall not apply to—

(1) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity, to the extent that the scheme was conducted by that State or other governmental entity at any time during the period beginning January 1, 1976, and ending August 31, 1990;

(2) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity where both—

(A) such scheme was authorized by a statute as in effect on October 2, 1991; and

(B) a scheme described in section 3702 (other than one based on parimutuel animal

racing or jai-alai games) actually was conducted in that State or other governmental entity at any time during the period beginning September 1, 1989, and ending October 2, 1991, pursuant to the law of that State or other governmental entity;

(3) a betting, gambling, or wagering scheme, other than a lottery described in paragraph (1), conducted exclusively in casinos located in a municipality, but only to the extent that—

(A) such scheme or a similar scheme was authorized, not later than one year after the effective date of this chapter, to be operated in that municipality; and

(B) any commercial casino gaming scheme was in operation in such municipality throughout the 10-year period ending on such effective date pursuant to a comprehensive system of State regulation authorized by that State's constitution and applicable solely to such municipality; or

(4) parimutuel animal racing or jai-alai games.

(b) Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).

(Added Pub. L. 102-559, §2(a), Oct. 28, 1992, 106 Stat. 4228.)

## REFERENCES IN TEXT

The effective date of this chapter, referred to in subsec. (a)(3)(A), is Jan. 1, 1993, see section 3 of Pub. L. 102-559, set out as an Effective Date note under section 3701 of this title.

## EFFECTIVE DATE

Section effective Jan. 1, 1993, see section 3 of Pub. L. 102-559, set out as a note under section 3701 of this title.

**CHAPTER 179—JUDICIAL REVIEW OF CERTAIN ACTIONS BY PRESIDENTIAL OFFICES**

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**§ 3901. Civil actions**

(a) PARTIES.—In an action under section 1346(g) of this title, the defendant shall be the employing office alleged to have committed the violation involved.

(b) JURY TRIAL.—In an action described in subsection (a), any party may demand a jury trial where a jury trial would be available in an action against a private defendant under the relevant law made applicable by chapter 5 of title 3. In any case in which a violation of section 411 of title 3 is alleged, the court shall not inform the jury of the maximum amount of compensatory damages available under section 411(b)(1) or 411(b)(3) of title 3.

(Added Pub. L. 104-331, §3(c), Oct. 26, 1996, 110 Stat. 4070.)

## EFFECTIVE DATE

Section effective Oct. 1, 1997, see section 3(d) of Pub. L. 104-331, set out as a note under section 1296 of this title.

**§ 3902. Judicial review of regulations**

In any proceeding under section 1296 or 1346(g) of this title in which the application of a regulation issued under chapter 5 of title 3 is at issue, the court may review the validity of the regulation in accordance with the provisions of subparagraphs (A) through (D) of section 706(2) of title 5. If the court determines that the regulation is invalid, the court shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provisions with respect to which the invalid regulation was issued. Except as provided in this section, the validity of regulations issued under this chapter is not subject to judicial review.

(Added Pub. L. 104-331, §3(c), Oct. 26, 1996, 110 Stat. 4070.)

## EFFECTIVE DATE

Section effective Oct. 1, 1997, see section 3(d) of Pub. L. 104-331, set out as a note under section 1296 of this title.

**§ 3903. Effect of failure to issue regulations**

In any proceeding under section 1296 or 1346(g) of this title, if the President, the designee of the President, or the Federal Labor Relations Authority has not issued a regulation on a matter for which chapter 5 of title 3 requires a regulation to be issued, the court shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding.

(Added Pub. L. 104-331, §3(c), Oct. 26, 1996, 110 Stat. 4070.)

## EFFECTIVE DATE

Section effective Oct. 1, 1997, see section 3(d) of Pub. L. 104-331, set out as a note under section 1296 of this title.

**§ 3904. Expedited review of certain appeals**

(a) **IN GENERAL.**—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order of a court upon the constitutionality of any provision of chapter 5 of title 3.

(b) **JURISDICTION.**—The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal referred to in subsection (a), advance the appeal on the docket, and expedite the appeal to the greatest extent possible.

(Added Pub. L. 104-331, §3(c), Oct. 26, 1996, 110 Stat. 4070.)

## EFFECTIVE DATE

Section effective Oct. 1, 1997, see section 3(d) of Pub. L. 104-331, set out as a note under section 1296 of this title.

**§ 3905. Attorney's fees and interest**

(a) **ATTORNEY'S FEES.**—If a covered employee, with respect to any claim under chapter 5 of

title 3, or a qualified person with a disability, with respect to any claim under section 421 of title 3, is a prevailing party in any proceeding under section 1296 or section 1346(g), the court may award attorney's fees, expert fees, and any other costs as would be appropriate if awarded under section 706(k) of the Civil Rights Act of 1964.

(b) **INTEREST.**—In any proceeding under section 1296 or section 1346(g), the same interest to compensate for delay in payment shall be made available as would be appropriate if awarded under section 717(d) of the Civil Rights Act of 1964.

(c) **PUNITIVE DAMAGES.**—Except as otherwise provided in chapter 5 of title 3, no punitive damages may be awarded with respect to any claim under chapter 5 of title 3.

(Added Pub. L. 104-331, §3(c), Oct. 26, 1996, 110 Stat. 4070.)

## REFERENCES IN TEXT

Sections 706 and 717 of the Civil Rights Act of 1964, referred to in subsecs. (a) and (b), are classified to sections 2000e-5 and 2000e-16, respectively, of Title 42, The Public Health and Welfare.

## EFFECTIVE DATE

Section effective Oct. 1, 1997, see section 3(d) of Pub. L. 104-331, set out as a note under section 1296 of this title.

**§ 3906. Payments**

A judgment, award, or compromise settlement against the United States under this chapter (including any interest and costs) shall be paid—

(1) under section 1304 of title 31, if it arises out of an action commenced in a district court of the United States (or any appeal therefrom); or

(2) out of amounts otherwise appropriated or available to the office involved, if it arises out of an appeal from an administrative proceeding under chapter 5 of title 3.

(Added Pub. L. 104-331, §3(c), Oct. 26, 1996, 110 Stat. 4071.)

## EFFECTIVE DATE

Section effective Oct. 1, 1997, see section 3(d) of Pub. L. 104-331, set out as a note under section 1296 of this title.

**§ 3907. Other judicial review prohibited**

Except as expressly authorized by this chapter and chapter 5 of title 3, the compliance or non-compliance with the provisions of chapter 5 of title 3, and any action taken pursuant to chapter 5 of title 3, shall not be subject to judicial review.

(Added Pub. L. 104-331, §3(c), Oct. 26, 1996, 110 Stat. 4071.)

## EFFECTIVE DATE

Section effective Oct. 1, 1997, see section 3(d) of Pub. L. 104-331, set out as a note under section 1296 of this title.

**§ 3908. Definitions**

For purposes of applying this chapter, the terms “employing office” and “covered em-