

connection with which betting is legal under applicable State law, or (2) the transportation of betting materials to be used in the placing of bets or wagers on a sporting event into a State in which such betting is legal under the statutes of that State, or (3) the carriage or transportation in interstate or foreign commerce of any newspaper or similar publication.

(c) Nothing contained in this section shall create immunity from criminal prosecution under any laws of any State, Commonwealth of Puerto Rico, territory, possession, or the District of Columbia. (Added Pub. L. 87-218, § 1, Sept. 13, 1961, 75 Stat. 492.)

§ 1951. Offer, acceptance, or solicitation to influence operations of employee benefit plan.

(a) Whoever being—

(1) an administrator, officer, trustee, custodian, counsel, agent, or employee of any employee welfare benefit plan or employee pension benefit plan; or

(2) an officer, counsel, agent, or employee of an employer or an employer any of whose employees are covered by such plan; or

(3) an officer, counsel, agent, or employee of an employee organization any of whose members are covered by such plan; or

(4) a person who, or an officer, counsel, agent, or employee of an organization which, provides benefit plan services to such plan

receives or agrees to receive or solicits any fee, kickback, commission, gift, loan, money, or thing of value because of or with intent to be influenced with respect to, any of the actions, decisions, or other duties relating to any question or matter concerning such plan or any person who directly or indirectly gives or offers, or promises to give or offer, any fee, kickback, commission, gift, loan, money, or thing of value prohibited by this section, shall be fined not more than \$10,000 or imprisoned not more than three years, or both: *Provided*, That this section shall not prohibit the payment to or acceptance by any person of bona fide salary, compensation, or other payments made for goods or facilities actually furnished or for services actually performed in the regular course of his duties as such person, administrator, officer, trustee, custodian, counsel, agent, or employee of such plan, employer, employee organization, or organization providing benefit plan services to such plan.

As used in this section, the term (a) "any employee welfare benefit plan" or "employee pension benefit plan" means any such plan subject to the provisions of the Welfare and Pension Plans Disclosure Act, as amended, and (b) "employee organization" and "administrator" as defined respectively in sections 3(3) and 5(b) (1) and (2) of the Welfare and Pension Plans Disclosure Act, as amended.

(b) Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or court of the United States involving any violation of this section, or any conspiracy to violate such section, is necessary to the public interest, he, upon the approval of the Attorney General, shall make application to the court that the witness shall

be instructed to testify or produce evidence subject to the provisions of this subsection, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except prosecution described in the next sentence) against him in any court. No witness shall be exempt under this subsection from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this subsection. (Added Pub. L. 87-420, § 17(e), Mar. 20, 1962, 76 Stat. 42.)

REFERENCES IN TEXT

The Welfare and Pension Plans Disclosure Act, referred to in subsec. (a), is classified to chapter 10 of Title 29, Labor.

Sections 3(3) and 5(b) (1) and (2) of the Welfare and Pension Plans Disclosure Act, as amended, referred to in subsec. (a), are classified to sections 302(3) and 304(b) (1) and (2) of Title 29, respectively.

EFFECTIVE DATE

Section effective 90 days after Mar. 20, 1962, see section 19 of Pub. L. 87-420, set out as a note under section 302 of Title 29, Labor.

Chapter 97.—RAILROADS

§§ 1991, 1992.

CROSS REFERENCES

Destruction of property moving in commerce, see sections 1281, 1282 of Title 15, Commerce and Trade.

Chapter 99.—RAPE

§§ 2031, 2032.

CROSS REFERENCES

Actions aboard aircraft in flight in violation of these sections punishable as provided herein, see section 1472 of Title 49, Transportation.

Chapter 103.—ROBBERY AND BURGLARY

§ 2111. Special maritime and territorial jurisdiction.

CROSS REFERENCES

Actions aboard aircraft in flight in violation of this section punishable as provided herein, see section 1472 of Title 49, Transportation.

§ 2113. Bank robbery and incidental crimes.

* * * * *

(g) As used in this section the term "savings and loan association" means any Federal savings and loan association and any "insured institution" as defined in section 401 of the National Housing Act, as amended, and any "Federal credit union" as defined in section 2 of the Federal Credit Union Act. (As amended Sept. 22, 1959, Pub. L. 86-354, § 2, 73 Stat. 639.)

REFERENCES IN TEXT

Section 401 of the National Housing Act, referred to in the text of subsection (g), is classified to section 1724 of Title 12, Banks and Banking.

Section 2 of the Federal Credit Union Act, referred to in subsec. (g), is classified to section 1752 of Title 12, Banks and Banking.