

title XXXIII, §§ 330002(b), 330008(6), Sept. 13, 1994, 108 Stat. 2140, 2143.)

#### REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b)(3), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Ethics in Government Act of 1978, referred to in subsecs. (b)(3) and (d)(1), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95-521 in the Appendix to Title 5 and Tables.

The Alaska Native Claims Settlement Act, referred to in subsec. (b)(4)(A), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

#### PRIOR PROVISIONS

A prior section 208, act June 25, 1948, ch. 645, 62 Stat. 693, related to the acceptance of solicitation of a bribe by a judicial officer, prior to the general amendment of this chapter by Pub. L. 87-849 and is substantially covered by revised section 201.

Provisions similar to those comprising this section were contained in section 434 of this title prior to the repeal of such section and the general amendment of this chapter by Pub. L. 87-849.

#### AMENDMENTS

1994—Subsec. (b)(4). Pub. L. 103-322, §330008(6), inserted “if” after “(4)”.

Subsec. (c)(1). Pub. L. 103-322, §330002(b), substituted “banks” for “Banks”.

1990—Subsec. (a). Pub. L. 101-280, §5(e)(2), made technical correction to directory language of Pub. L. 101-194, §405(1)(C). See 1989 Amendment note below.

Subsec. (b)(2). Pub. L. 101-280, §5(e)(1)(A), substituted “subsection (a)” for “paragraph (1)”.

Subsec. (b)(3). Pub. L. 101-280, §5(e)(1)(B), struck out “section 107 of” after “individual pursuant to”.

Subsec. (d)(1). Pub. L. 101-280, §5(e)(1)(C), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “A copy of any determination by other than the Director of the Office of Government Ethics granting an exemption pursuant to subsection (b)(1) or (b)(3) shall be submitted to the Director, who shall make all determinations available to the public pursuant to section 105 of the Ethics in Government Act of 1978. For determinations pursuant to subsection (b)(3), the information from the financial disclosure report of the officer or employee involved describing the asset or assets that necessitated the waiver shall also be made available to the public. This subsection shall not apply, however, if the head of the agency or his or her designee determines that the determination under subsection (b)(1) or (b)(3), as the case may be, involves classified information.”

1989—Subsec. (a). Pub. L. 101-194, §405(1), as amended by Pub. L. 101-280, §5(e)(2), inserted “or” after “United States Government,” and “an officer or employee” before “of the District of Columbia”, substituted “general partner” for “partner” in two places, and substituted “Shall be subject to the penalties set forth in section 216 of this title” for “Shall be fined not more than \$10,000, or imprisoned not more than two years, or both”.

Subsec. (b). Pub. L. 101-194, §405(2), added subsec. (b) and struck out former subsec. (b), which read as follows: “Subsection (a) hereof shall not apply (1) if the officer or employee first advises the Government official responsible for appointment to his position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, ac-

cusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee, or (2) if, by general rule or regulation published in the Federal Register, the financial interest has been exempted from the requirements of clause (1) hereof as being too remote or too inconsequential to affect the integrity of Government officers’ or employees’ services. In the case of class A and B directors of Federal Reserve banks, the Board of Governors of the Federal Reserve System shall be the Government official responsible for appointment.”

Subsecs. (c), (d). Pub. L. 101-194, §405(2), added subsecs. (c) and (d).

1977—Subsec. (a). Pub. L. 95-188, §205(a), extended conflicts of interest prohibition to a Federal Reserve bank director, officer, or employee.

Subsec. (b). Pub. L. 95-188, §205(b), inserted at end “In the case of class A and B directors of Federal Reserve banks, the Board of Governors of the Federal Reserve System shall be the Government official responsible for appointment.”

#### EFFECTIVE DATE

Section effective 90 days after Oct. 23, 1962, see section 4 of Pub. L. 87-849, set out as a note under section 201 of this title.

#### EXEMPTIONS

Exemptions from former section 434 of this title deemed to be exemptions from this section, see section 2 of Pub. L. 87-849, set out as a note under section 203 of this title.

#### REGULATIONS

Responsibility of Office of Government Ethics for promulgating regulations and interpreting this section, see section 201(c) of Ex. Ord. No. 12674, Apr. 12, 1989, 54 F.R. 15159, as amended, set out as a note under section 7301 of Title 5, Government Organization and Employees.

#### DELEGATION OF AUTHORITY

Authority of the President under subsec. (b) of this section to grant exemptions or approvals to individuals delegated to agency heads, see section 401 of Ex. Ord. No. 12674, Apr. 12, 1989, 54 F.R. 15159, as amended, set out as a note under section 7301 of Title 5, Government Organization and Employees.

Authority of the President under subsec. (b) of this section to grant exemptions or approvals for Presidential appointees to committees, commissions, boards, or similar groups established by the President, and for individuals appointed pursuant to sections 105 and 107(a) of Title 3, The President, delegated to Counsel to the President, see section 402 of Ex. Ord. No. 12674, Apr. 12, 1989, 54 F.R. 15159, as amended, set out as a note under section 7301 of Title 5.

#### “PARTICULAR MATTER” DEFINED

Pub. L. 100-446, title III, §319, Sept. 27, 1988, 102 Stat. 1826, which provided that notwithstanding any other provision of law, for the purposes of this section “particular matter”, as applied to employees of the Department of the Interior and the Indian Health Service, means “particular matter involving specific parties”, was repealed by Pub. L. 101-194, title V, §505(b), Nov. 30, 1989, 103 Stat. 1756, as amended by Pub. L. 101-280, §6(c), May 4, 1990, 104 Stat. 160.

Similar provisions were contained in Pub. L. 100-202, §101(g) [title III, §318], Dec. 22, 1987, 101 Stat. 1329-213, 1329-255.

### § 209. Salary of Government officials and employees payable only by United States

(a) Whoever receives any salary, or any contribution to or supplementation of salary, as

compensation for his services as an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

Whoever, whether an individual, partnership, association, corporation, or other organization pays, makes any contribution to, or in any way supplements, the salary of any such officer or employee under circumstances which would make its receipt a violation of this subsection—

Shall be subject to the penalties set forth in section 216 of this title.

(b) Nothing herein prevents an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, or of the District of Columbia, from continuing to participate in a bona fide pension, retirement, group life, health or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer.

(c) This section does not apply to a special Government employee or to an officer or employee of the Government serving without compensation, whether or not he is a special Government employee, or to any person paying, contributing to, or supplementing his salary as such.

(d) This section does not prohibit payment or acceptance of contributions, awards, or other expenses under the terms of chapter 41 of title 5.

(e) This section does not prohibit the payment of actual relocation expenses incident to participation, or the acceptance of same by a participant in an executive exchange or fellowship program in an executive agency: *Provided*, That such program has been established by statute or Executive order of the President, offers appointments not to exceed three hundred and sixty-five days, and permits no extensions in excess of ninety additional days or, in the case of participants in overseas assignments, in excess of three hundred and sixty-five days.

(f) This section does not prohibit acceptance or receipt, by any officer or employee injured during the commission of an offense described in section 351 or 1751 of this title, of contributions or payments from an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and which is exempt from taxation under section 501(a) of such Code.

(g)(1) This section does not prohibit an employee of a private sector organization, while assigned to an agency under chapter 37 of title 5, from continuing to receive pay and benefits from such organization in accordance with such chapter.

(2) For purposes of this subsection, the term “agency” means an agency (as defined by section 3701 of title 5) and the Office of the Chief Technology Officer of the District of Columbia.

(h) This section does not prohibit a member of the reserve components of the armed forces on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13) of title 10 from receiving from any person that employed such member before the

call or order to active duty any payment of any part of the salary or wages that such person would have paid the member if the member’s employment had not been interrupted by such call or order to active duty.

(Added Pub. L. 87-849, §1(a), Oct. 23, 1962, 76 Stat. 1125; amended Pub. L. 96-174, Dec. 29, 1979, 93 Stat. 1288; Pub. L. 97-171, Apr. 13, 1982, 96 Stat. 67; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 99-646, §70, Nov. 10, 1986, 100 Stat. 3617; Pub. L. 101-194, title IV, §406, Nov. 30, 1989, 103 Stat. 1753; Pub. L. 101-647, title XXXV, §3510, Nov. 29, 1990, 104 Stat. 4922; Pub. L. 103-322, title XXXIII, §330008(7), Sept. 13, 1994, 108 Stat. 2143; Pub. L. 107-273, div. A, title III, §302(3), Nov. 2, 2002, 116 Stat. 1781; Pub. L. 107-347, title II, §209(g)(2), Dec. 17, 2002, 116 Stat. 2932; Pub. L. 108-375, div. A, title VI, §663, Oct. 28, 2004, 118 Stat. 1974.)

#### REFERENCES IN TEXT

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (f), is classified to section 501 of Title 26, Internal Revenue Code.

#### PRIOR PROVISIONS

A prior section 209, act June 25, 1948, ch. 645, 62 Stat. 693, related to an offer of a bribe to a witness, prior to the general amendment of this chapter by Pub. L. 87-849 and is substantially covered by section 201.

Provisions similar to those comprising this section were contained in section 1914 of this title prior to the repeal of such section and the general amendment of this chapter by Pub. L. 87-849.

#### AMENDMENTS

2004—Subsec. (h). Pub. L. 108-375 added subsec. (h).

2002—Subsec. (a). Pub. L. 107-273, in second par., substituted “makes” for “or makes” and “supplements, the salary of any” for “supplements the salary of, any”.

Subsec. (g). Pub. L. 107-347 added subsec. (g).

1994—Subsec. (d). Pub. L. 103-322 struck out “the” before “chapter 41”.

1990—Subsec. (d). Pub. L. 101-647 substituted “chapter 41 of title 5” for “Government Employees Training Act (Public Law 85-507, 72 Stat. 327; 5 U.S.C. 2301-2319, July 7, 1958)”.

1989—Subsec. (a). Pub. L. 101-194 substituted at end “Shall be subject to the penalties set forth in section 216 of this title.” for “Shall be fined not more than \$5,000 or imprisoned not more than one year, or both.”

1986—Subsec. (e). Pub. L. 99-646 inserted “or, in the case of participants in overseas assignments, in excess of three hundred and sixty-five days”.

Subsec. (f). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

1982—Subsec. (f). Pub. L. 97-171 added subsec. (f).

1979—Subsec. (e). Pub. L. 96-174 added subsec. (e).

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-347 effective 120 days after Dec. 17, 2002, see section 402(a) of Pub. L. 107-347, set out as an Effective Date note under section 3601 of Title 44, Public Printing and Documents.

#### EFFECTIVE DATE

Section effective 90 days after Oct. 23, 1962, see section 4 of Pub. L. 87-849, set out as a note under section 201 of this title.

#### EXEMPTIONS

Exemptions from former section 1914 of this title deemed to be exemptions from this section, see section 2 of Pub. L. 87-849, set out as a note under section 203 of this title.

## PROMULGATION OF REGULATIONS

Responsibility of Office of Government Ethics for promulgating regulations and interpreting this section, see section 201(c) of Ex. Ord. No. 12674, Apr. 12, 1989, 54 F.R. 15159, as amended, set out as a note under section 7301 of Title 5, Government Organization and Employees.

**§ 210. Offer to procure appointive public office**

Whoever pays or offers or promises any money or thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence to procure any appointive office or place under the United States for any person, shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 694, § 210, formerly § 214; renumbered § 210, Pub. L. 87-849, § 1(b), Oct. 23, 1962, 76 Stat. 1125; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

## HISTORICAL AND REVISION NOTES

Based on Title 18, U. S.C., 1940 ed., §§ 149 and 151 (Dec. 11, 1926, c. 3, §§ 1, 3, 44 Stat. 918).

Changes of style and substance were made in this section.

Term “or place” was inserted after words “appointive office” in order to give broader scope to the section and also to follow the phraseology used in similar provisions of section 202 of Title 18, U.S.C., 1940 ed., now section 216 [repealed] of this title. (See 46 Corpus Juris 924, where it is explained that the word “places” is used in a less technical sense than the word “offices”.)

The punishment provision, added at the end of this section and section 215 [now section 211] of this title to secure uniformity of style throughout this chapter, was originally enacted as a separate section, incorporating the other two by reference. 80th Congress House Report No. 304.

## PRIOR PROVISIONS

A prior section 210, act June 25, 1948, ch. 645, 62 Stat. 693, related to acceptance of a bribe by a witness, prior to the general amendment of this chapter by Pub. L. 87-849 and is substantially covered in revised section 201.

## AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000”.

**§ 211. Acceptance or solicitation to obtain appointive public office**

Whoever solicits or receives, either as a political contribution, or for personal emolument, any money or thing of value, in consideration of the promise of support or use of influence in obtaining for any person any appointive office or place under the United States, shall be fined under this title or imprisoned not more than one year, or both.

Whoever solicits or receives any thing of value in consideration of aiding a person to obtain employment under the United States either by referring his name to an executive department or agency of the United States or by requiring the payment of a fee because such person has secured such employment shall be fined under this title, or imprisoned not more than one year, or both. This section shall not apply to such services rendered by an employment agency pursuant to the written request of an executive department or agency of the United States.

(June 25, 1948, ch. 645, 62 Stat. 694, § 211, formerly § 215; Sept. 13, 1951, ch. 380, 65 Stat. 320; renumbered § 211, Pub. L. 87-849, § 1(b), Oct. 23, 1962, 76 Stat. 1125; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

## HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 150 and 151 (Dec. 11, 1926, ch. 3, §§ 2, 3, 44 Stat. 918).

Same changes of style and substance were made in this section as in section 214 of this title.

## PRIOR PROVISIONS

A prior section 211, act June 25, 1948, ch. 645, 62 Stat. 693, related to an offer of a gratuity to a revenue officer, prior to the general amendment of this chapter by Pub. L. 87-849 and is substantially covered in revised section 201.

## AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000” in two places.

1951—Act Sept. 13, 1951, inserted second paragraph.

**§ 212. Offer of loan or gratuity to financial institution examiner**

(a) IN GENERAL.—Except as provided in subsection (b), whoever, being an officer, director, or employee of a financial institution, makes or grants any loan or gratuity, to any examiner or assistant examiner who examines or has authority to examine such bank, branch, agency, organization, corporation, association, or institution—

(1) shall be fined under this title, imprisoned not more than 1 year, or both; and

(2) may be fined a further sum equal to the money so loaned or gratuity given.

(b) REGULATIONS.—A Federal financial institution regulatory agency may prescribe regulations establishing additional limitations on the application for and receipt of credit under this section and on the application and receipt of residential mortgage loans under this section, after consulting with each other Federal financial institution regulatory agency.

(c) DEFINITIONS.—In this section:

(1) EXAMINER.—The term “examiner” means any person—

(A) appointed by a Federal financial institution regulatory agency or pursuant to the laws of any State to examine a financial institution; or

(B) elected under the law of any State to conduct examinations of any financial institutions.

(2) FEDERAL FINANCIAL INSTITUTION REGULATORY AGENCY.—The term “Federal financial institution regulatory agency” means—

(A) the Office of the Comptroller of the Currency;

(B) the Board of Governors of the Federal Reserve System;

(C) the Federal Deposit Insurance Corporation;

(D) the Federal Housing Finance Agency;

(E) the Farm Credit Administration;

(F) the Farm Credit System Insurance Corporation; and

(G) the Small Business Administration.

(3) FINANCIAL INSTITUTION.—The term “financial institution” does not include a credit