

**Editorial Notes****AMENDMENTS**

1996—Subsec. (c). Pub. L. 104-204 made technical amendment to reference in original act which appears in text as reference to section 1191b of this title.

Pub. L. 104-191 added subsec. (c).

1984—Pub. L. 98-473 designated existing provisions as subsec. (a), added subsec. (b), and amended section catchline.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 1996 AMENDMENTS**

Amendment by Pub. L. 104-204 applicable with respect to group health plans for plan years beginning on or after Jan. 1, 1998, see section 603(c) of Pub. L. 104-204 set out as a note under section 1003 of this title.

Amendment by Pub. L. 104-191 applicable with respect to group health plans for plan years beginning after June 30, 1997, except as otherwise provided, see section 101(g) of Pub. L. 104-191, set out as a note under section 1181 of this title.

**REGULATIONS**

Secretary authorized, effective Sept. 2, 1974, to promulgate regulations wherever provisions of this subchapter call for the promulgation of regulations, see section 1031 of this title.

**RELATION OF SUBTITLE E OF TITLE II OF PUB. L. 104-191 TO ERISA AUTHORITY**

Pub. L. 104-191, title II, §250, Aug. 21, 1996, 110 Stat. 2021, provided that: “Nothing in this subtitle [subtitle E (§§241-250) of title II of Pub. L. 104-191, enacting sections 24, 669, 1035, 1347, 1518, and 3486 of Title 18, Crimes and Criminal Procedure, amending sections 982, 1345, 1510, and 1956 of Title 18, and enacting provisions set out as notes under section 1395i of Title 42, The Public Health and Welfare] shall be construed as affecting the authority of the Secretary of Labor under section 506(b) of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1136(b)], including the Secretary’s authority with respect to violations of title 18, United States Code (as amended by this subtitle).”

**§ 1137. Administration**

(a) Subchapter II of chapter 5, and chapter 7, of title 5 (relating to administrative procedure), shall be applicable to this subchapter.

(b) Omitted.

(c) No employee of the Department of Labor or the Department of the Treasury shall administer or enforce this subchapter or title 26 with respect to any employee benefit plan under which he is a participant or beneficiary, any employee organization of which he is a member, or any employer organization in which he has an interest. This subsection does not apply to an employee benefit plan which covers only employees of the United States.

(Pub. L. 93-406, title I, §507, Sept. 2, 1974, 88 Stat. 894; Pub. L. 101-239, title VII, §7891(a), Dec. 19, 1989, 103 Stat. 2445.)

**Editorial Notes****CODIFICATION**

Subsec. (b) of this section amended section 5108 of Title 5, Government Organization and Employees.

**AMENDMENTS**

1989—Subsec. (c). Pub. L. 101-239 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 1989 AMENDMENT**

Amendment by Pub. L. 101-239 effective, except as otherwise provided, as if included in the provision of the Tax Reform Act of 1986, Pub. L. 99-514, to which such amendment relates, see section 7891(f) of Pub. L. 101-239, set out as a note under section 1002 of this title.

**REGULATIONS**

Secretary authorized, effective Sept. 2, 1974, to promulgate regulations wherever provisions of this subchapter call for the promulgation of regulations, see section 1031 of this title.

**§ 1138. Appropriations**

There are hereby authorized to be appropriated such sums as may be necessary to enable the Secretary to carry out his functions and duties under this chapter.

(Pub. L. 93-406, title I, §508, Sept. 2, 1974, 88 Stat. 895.)

**Editorial Notes****REFERENCES IN TEXT**

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 93-406, known as the Employee Retirement Income Security Act of 1974. Titles I, III, and IV of such Act are classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

**Statutory Notes and Related Subsidiaries****REGULATIONS**

Secretary authorized, effective Sept. 2, 1974, to promulgate regulations wherever provisions of this subchapter call for the promulgation of regulations, see section 1031 of this title.

**§ 1139. Separability**

If any provision of this chapter, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this chapter, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

(Pub. L. 93-406, title I, §509, Sept. 2, 1974, 88 Stat. 895.)

**Editorial Notes****REFERENCES IN TEXT**

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**Statutory Notes and Related Subsidiaries****REGULATIONS**

Secretary authorized, effective Sept. 2, 1974, to promulgate regulations wherever provisions of this subchapter call for the promulgation of regulations, see section 1031 of this title.

**§ 1140. Interference with protected rights**

It shall be unlawful for any person to discharge, fine, suspend, expel, discipline, or dis-