

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 union, a Federal Reserve Bank, a Federal home loan bank, or a depository institution holding company.

(4) LOAN.—The term “loan” does not include any credit card account established under an open end consumer credit plan or a loan secured by residential real property that is the principal residence of the examiner, if—

(A) the applicant satisfies any financial requirements for the credit card account or

residential real property loan that are generally applicable to all applicants for the same type of credit card account or residential real property loan;

(B) the terms and conditions applicable with respect to such account or residential real property loan, and any credit extended to the examiner under such account or residential real property loan, are no more favorable generally to the examiner than the terms and conditions that are generally applicable to credit card accounts or residential real property loans offered by the same financial institution to other borrowers cardholders¹ in comparable circumstances under open end consumer credit plans or for residential real property loans; and

(C) with respect to residential real property loans, the loan is with respect to the primary residence of the applicant.

(Added Pub. L. 108-198, §2(a), Dec. 19, 2003, 117 Stat. 2899; amended Pub. L. 110-289, div. A, title II, §1216(c), July 30, 2008, 122 Stat. 2792; Pub. L. 111-203, title III, §377(1), July 21, 2010, 124 Stat. 1569.)

PRIOR PROVISIONS

A prior section 212, acts June 25, 1948, ch. 645, 62 Stat. 694, §212, formerly §217; Pub. L. 85-699, title VII, §701(a), Aug. 21, 1958, 72 Stat. 698; Pub. L. 86-168, title I, §104(h), Aug. 18, 1959, 73 Stat. 387; renumbered §212, Pub. L. 87-849, §1(d), Oct. 23, 1962, 76 Stat. 1125; Pub. L. 101-73, title IX, §962(a)(1), Aug. 9, 1989, 103 Stat. 501; Pub. L. 101-647, title XXV, §2597(b), Nov. 29, 1990, 104 Stat. 4908; Pub. L. 103-322, title XXXIII, §§330004(1), 330010(1), 330016(1)(K), Sept. 13, 1994, 108 Stat. 2141, 2143, 2147, related to offer of loan or gratuity to bank examiner, prior to repeal by Pub. L. 108-198, §2(a), Dec. 19, 2003, 117 Stat. 2899.

Another prior section 212, act June 25, 1948, ch. 645, 62 Stat. 693, related to an offer or threat to a customs officer or employee, prior to the general amendment to this chapter by Pub. L. 87-849 and is substantially covered by revised section 201.

AMENDMENTS

2010—Subsec. (c)(2)(C) to (H). Pub. L. 111-203 redesignated subpars. (D) to (H) as (C) to (G), respectively, and struck out former subpar. (C) which read as follows: “the Office of Thrift Supervision;”.

2008—Subsec. (c)(2)(E). Pub. L. 110-289 substituted “Federal Housing Finance Agency” for “Federal Housing Finance Board”.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the transfer date, see section 351 of Pub. L. 111-203, set out as a note under section 906 of Title 2, The Congress.

§ 213. Acceptance of loan or gratuity by financial institution examiner

(a) IN GENERAL.—Whoever, being an examiner or assistant examiner, accepts a loan or gratuity from any bank, branch, agency, organization, corporation, association, or institution examined by the examiner or from any person connected with it, shall—

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

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

¹ So in original.

(3) shall be disqualified from holding office as an examiner.

(b) DEFINITIONS.—In this section, the terms “examiner”, “Federal financial institution regulatory agency”, “financial institution”, and “loan” have the same meanings as in section 212.

(Added Pub. L. 108-198, §2(a), Dec. 19, 2003, 117 Stat. 2900.)

PRIOR PROVISIONS

A prior section 213, acts June 25, 1948, ch. 645, 62 Stat. 695, § 213, formerly § 218; Pub. L. 85-699, title VII, § 701(b), Aug. 21, 1958, 72 Stat. 698; renumbered § 213, Pub. L. 87-849, § 1(d), Oct. 23, 1962, 76 Stat. 1125; Pub. L. 101-73, title IX, § 962(a)(2), Aug. 9, 1989, 103 Stat. 502; Pub. L. 101-647, title XXV, § 2597(c), Nov. 29, 1990, 104 Stat. 4909; Pub. L. 103-322, title XXXIII, §§ 330004(2), 330016(1)(K), Sept. 13, 1994, 108 Stat. 2141, 2147, related to acceptance of loan or gratuity by bank examiner, prior to repeal by Pub. L. 108-198, § 2(a), Dec. 19, 2003, 117 Stat. 2899.

Another prior section 213, act June 25, 1948, ch. 645, 62 Stat. 693, related to the acceptance or demand of a bribe by a customs officer or employee, prior to the general amendment to this chapter by Pub. L. 87-849 and is substantially covered by revised section 201.

§ 214. Offer for procurement of Federal Reserve bank loan and discount of commercial paper

Whoever stipulates for or gives or receives, or consents or agrees to give or receive, any fee, commission, bonus, or thing of value for procuring or endeavoring to procure from any Federal Reserve bank any advance, loan, or extension of credit or discount or purchase of any obligation or commitment with respect thereto, either directly from such Federal Reserve bank or indirectly through any financing institution, unless such fee, commission, bonus, or thing of value and all material facts with respect to the arrangement or understanding therefor shall be disclosed in writing in the application or request for such advance, loan, extension of credit, discount, purchase, or commitment, shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 695, § 214, formerly § 219; renumbered § 214, Pub. L. 87-849, § 1(d), Oct. 23, 1962, 76 Stat. 1125; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on section 599 of title 12, U.S.C., 1940 ed., Banks and Banking (Dec. 23, 1913, ch. 6, § 22(k), as added by act June 19, 1934, ch. 653, § 3, 48 Stat. 1108).

Final sentence of said section 599, imposing civil liability on violators, was omitted as unnecessary, being merely a declaration of that rule of common law which in the absence of statute fixes civil liability on the wrongdoer.

Minor changes were made in phraseology.

PRIOR PROVISIONS

A prior section 214 of this title was renumbered section 210.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

§ 215. Receipt of commissions or gifts for procuring loans

(a) Whoever—

(1) corruptly gives, offers, or promises anything of value to any person, with intent to influence or reward an officer, director, employee, agent, or attorney of a financial institution in connection with any business or transaction of such institution; or

(2) as an officer, director, employee, agent, or attorney of a financial institution, corruptly solicits or demands for the benefit of any person, or corruptly accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business or transaction of such institution;

shall be fined not more than \$1,000,000 or three times the value of the thing given, offered, promised, solicited, demanded, accepted, or agreed to be accepted, whichever is greater, or imprisoned not more than 30 years, or both, but if the value of the thing given, offered, promised, solicited, demanded, accepted, or agreed to be accepted does not exceed \$1,000, shall be fined under this title or imprisoned not more than one year, or both.

[(b) Transferred]

(c) This section shall not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

(d) Federal agencies with responsibility for regulating a financial institution shall jointly establish such guidelines as are appropriate to assist an officer, director, employee, agent, or attorney of a financial institution to comply with this section. Such agencies shall make such guidelines available to the public.

(June 25, 1948, ch. 645, 62 Stat. 695, § 215, formerly § 220; Sept. 21, 1950, ch. 967, § 4, 64 Stat. 894; renumbered § 215, Pub. L. 87-849, § 1(d), Oct. 23, 1962, 76 Stat. 1125; Pub. L. 98-473, title II, § 1107(a), Oct. 12, 1984, 98 Stat. 2145; Pub. L. 99-370, § 2, Aug. 4, 1986, 100 Stat. 779; Pub. L. 101-73, title IX, § 961(a), 962(e)(1), Aug. 9, 1989, 103 Stat. 499, 503; Pub. L. 101-647, title XXV, § 2504(a), Nov. 29, 1990, 104 Stat. 4861; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, § 606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on sections 595, 1125, and 1315 of title 12, U.S.C., 1940 ed., Banks and Banking (Dec. 23, 1913, ch. 6, § 22, first sentence of second paragraph, 38 Stat. 272; July 17, 1916, ch. 245, § 211(e), as added Mar. 4, 1923, ch. 252, § 2, 42 Stat. 1460; June 21, 1917, ch. 32, § 11, 40 Stat. 240; Sept. 26, 1918, ch. 177, § 5, part 22(c), 40 Stat. 970; Mar. 4, 1923, ch. 252, title II, § 216(e), 42 Stat. 1472).

The punishment provisions of the three sections were identical, and all other provisions thereof were similar, except that section 595 of title 12, U.S.C., 1940 ed., Banks and Banking, relating to officers, directors, employees, or attorneys of member banks of the Federal Reserve System, did not include the terms “agent” and “acceptance” and did not include the phrase “or extension or renewal of loan or substitution of security”.

Words “shall be deemed guilty of a misdemeanor” were omitted because of definition of misdemeanor in section 1 of this title.

Words “and upon conviction” and “and shall upon conviction thereof” were omitted as surplusage because punishment cannot be imposed until after conviction.

Verbal changes were made for style purposes.