

## 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to follow the phraseology used in similar provisions of section 202 of Title 18, U.S.C., 1940 ed., now section 216 [repealed] of this title.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this section and section 215 [now section 211] of this title to secure uniformity of style throughout this chapter, was originally enacted as a separate section, incorporating the other two by reference. 80th Congress House Report No. 304.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

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 cardholders<sup>1</sup> 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

(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.

<sup>1</sup> So in original.