

SEC. 2. OFFER AND ACCEPTANCE OF CREDIT.

(a) IN GENERAL.—Title 18, United States Code, is amended by striking sections 212 and 213 and inserting the following:

“§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 Office of Thrift Supervision;

“(D) the Federal Deposit Insurance Corporation;

“(E) the Federal Housing Finance Board;

“(F) the Farm Credit Administration;

“(G) the Farm Credit System Insurance Corporation; and

“(H) 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 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.

“§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.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections of chapter 11 of title 18, United States Code, is amended by striking the matter relating to sections 212 and 213 and inserting the following:

“212. Offer of loan or gratuity to financial institution examiner.

“213. Acceptance of loan or gratuity by financial institution examiner.”.

Mr. SENSENBRENNER. Mr. Speaker, on November 24, 2003, the Senate passed unanimously S. 1947, the “Preserving Independence of Financial Institution Examinations Act of 2003.” This bipartisan legislation was introduced by Senator HATCH and Senator LEAHY, the Chairman and ranking Member on the Senate Judiciary Committee. The bill would update two provisions of the Federal Criminal Code enacted in the mid-1900s.

As the Nation’s banking system has consolidated, it has become extremely difficult for bank examiners to obtain credit cards or mortgages for themselves because of these outdated provisions. This affects the hiring, retention, morale, and work of our Nation’s bank examiners.

To alleviate this problem, the bill would amend sections 212 and 213 of title 18 of the United States Code to reflect the changes in our Nation’s banking system. Under current law, these sections prohibit examiners from borrowing from banks they have examined, and prohibit a financial institution from extending credit to anyone who examines or has authority to examine that institution. These provisions have been interpreted to cover all kinds of borrowing, including standard credit cards and mortgages.

In a December 4, 2003, letter the Legal Division of the Board of Governors of the Federal Reserve System explained that:

[under current law] . . . an examiner could commit a crime by obtaining a department store credit card that is ultimately issued by a bank the examiner examined five years ago. Examiners also have encountered difficulty in obtaining home mortgage and other loans at the best available rates because of restrictions on the range of permissible lenders.

The proposed legislation updates the Criminal Code allowing for narrow exceptions to the statutes for bank examiners who hold credit cards and residential home mortgage loans on standard terms from the banks they are examining.

I urge my colleagues to support this legislation.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 1947.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ARCHERY REVENUE REFORM AND OPPORTUNITY FOR WORKERS ACT

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 3652) to amend the Internal Revenue Code of 1986 to modify the taxation of imported archery products, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Archery Revenue Reform and Opportunity for Workers Act”.

SEC. 2. MODIFIED TAXATION OF IMPORTED ARCHERY PRODUCTS.

(a) BOWS.—Paragraph (1) of section 4161(b) of the Internal Revenue Code of 1986 (relating to bows) is amended to read as follows:

“(1) BOWS.—

“(A) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any bow which has a peak draw weight of 30 pounds or more, a tax equal to 11 percent of the price for which so sold.

“(B) ARCHERY EQUIPMENT.—There is hereby imposed on the sale by the manufacturer, producer, or importer—

“(i) of any part or accessory suitable for inclusion in or attachment to a bow described in subparagraph (A), and

“(ii) of any quiver or broadhead suitable for use with an arrow described in paragraph (2),

a tax equal to 11 percent of the price for which so sold.”.

(b) ARROWS.—Subsection (b) of section 4161 of the Internal Revenue Code of 1986 (relating to bows and arrows, etc.) is amended by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

“(3) ARROWS.—

“(A) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any arrow, a tax equal to 12 percent of the price for which so sold.

“(B) EXCEPTION.—In the case of any arrow of which the shaft or any other component has been previously taxed under paragraph (1) or (2)—

“(i) section 4161(b)(3) shall not apply, and

“(ii) the tax imposed by subparagraph (A) shall be an amount equal to the excess (if any) of—

“(1) the amount of tax imposed by this paragraph (determined without regard to this subparagraph), over

“(II) the amount of tax paid with respect to the tax imposed under paragraph (I) or (2) on such shaft or component.

“(C) ARROW.—For purposes of this paragraph, the term ‘arrow’ means any shaft described in paragraph (2) to which additional components are attached.”.

(c) CONFORMING AMENDMENTS.—Section 4161(b)(2) of the Internal Revenue Code is amended—

(1) by inserting “(other than broadheads)” after “point”, and

(2) by striking “ARROWS.—” in the heading and inserting “ARROW COMPONENTS.—”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to articles sold by the manufacturer, producer, or importer after February 15, 2004.

Mr. RYAN of Wisconsin. Mr. Speaker, along with my colleague, Representative MATHESON, I am pleased to introduce the Archery Revenue Reform and Opportunity for Workers Act of 2003 (ARROW Act).

Our bill will protect Americans jobs by fixing a mistake in the tax code that allows archery equipment to be imported into the United States without paying the excise tax that American manufacturers pay. Our bill will close this loophole now.

The excise tax on domestically produced arrows is 12.4 percent. The revenue from this excise tax is dedicated to the Pittman-Robertson Aid for Wildlife Restoration Fund that finances the States’ wildlife conservation and habitat restoration programs. In 1997, a change in the excise tax inadvertently created a loophole that allows arrows manufactured outside of the United States to be sold in the United States without paying the tax paid by American manufacturers.

Sales of imported arrows and arrow shafts have increased from less than \$1 million in 1997 to over \$12 million in 2002. By avoiding the excise tax, foreign manufacturers have displaced more than one-third of our domestic production.

The loss of U.S. jobs and the negative impact on domestic small businesses will continue to accelerate, as year-to-date imports through June 30 have increased 35 percent over the same time period in 2002. In addition to the loss of jobs, this loophole is draining funding from the States’ conservation and game management programs.

This legislation will close the loophole that allows imported arrows to avoid the excise tax paid by domestic manufacturers. While keeping the current 12.4 percent tax on arrow components, the proposal will impose a tax of 12 percent on the first sale of an arrow assembled from untaxed components. U.S. manufacturers and foreign manufacturers will be treated equally.

Current law also taxes non-hunters, contrary to congressional intent. To relieve non-hunters from the requirement to pay for wildlife management, the legislation would eliminate the current-law tax on bows with draw weights of less than 30 pounds. Those bows are not suitable or, in many States, legal for hunting. To preserve the revenue for the Wildlife Restoration Fund, the bill would retain the current tax on bows that are suitable for hunting.

Finally, the ARROW Act will clarify that broadheads are an accessory taxed at 11 percent rather than as an arrow component taxed at 12.4 percent. This will correct the ambiguity in the 1997 act that led to the misclassification of broadheads.

I urge my colleagues to pass the Archery Revenue Reform and Opportunity for Workers

Act today. This bill will save American jobs and protect funding for the Wildlife Restoration Program (the Pittman-Robertson fund) by simplifying administration and compliance with the excise tax and closing the unintended loophole that allows arrows assembled outside the United States to avoid the excise tax imposed on domestic manufacturers.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3652.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1730

SERVICEMEMBERS CIVIL RELIEF ACT

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the bill (H.R. 100) to restate, clarify, and revise the Soldiers’ and Sailors’ Civil Relief Act of 1940, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. RESTATEMENT OF ACT.

The Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.) is amended to read as follows:

“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

“(a) SHORT TITLE.—This Act may be cited as the ‘Servicemembers Civil Relief Act’.

“(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

“Sec. 1. Short title; table of contents.

“Sec. 2. Purpose.

“TITLE I—GENERAL PROVISIONS

“Sec. 101. Definitions.

“Sec. 102. Jurisdiction and applicability of Act.

“Sec. 103. Protection of persons secondarily liable.

“Sec. 104. Extension of protections to citizens serving with allied forces.

“Sec. 105. Notification of benefits.

“Sec. 106. Extension of rights and protections to Reserves ordered to report for military service and to persons ordered to report for induction.

“Sec. 107. Waiver of rights pursuant to written agreement.

“Sec. 108. Exercise of rights under Act not to affect certain future financial transactions.

“Sec. 109. Legal representatives.

“TITLE II—GENERAL RELIEF

“Sec. 201. Protection of servicemembers against default judgments.

“Sec. 202. Stay of proceedings when servicemember has notice.

“Sec. 203. Fines and penalties under contracts.

“Sec. 204. Stay or vacation of execution of judgments, attachments, and garnishments.

“Sec. 205. Duration and term of stays; co-defendants not in service.

“Sec. 206. Statute of limitations.

“Sec. 207. Maximum rate of interest on debts incurred before military service.

“TITLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES

“Sec. 301. Evictions and distress.

“Sec. 302. Protection under installment contracts for purchase or lease.

“Sec. 303. Mortgages and trust deeds.

“Sec. 304. Settlement of stayed cases relating to personal property.

“Sec. 305. Termination of residential or motor vehicle leases.

“Sec. 306. Protection of life insurance policy.

“Sec. 307. Enforcement of storage liens.

“Sec. 308. Extension of protections to dependents.

“TITLE IV—LIFE INSURANCE

“Sec. 401. Definitions.

“Sec. 402. Insurance rights and protections.

“Sec. 403. Application for insurance protection.

“Sec. 404. Policies entitled to protection and lapse of policies.

“Sec. 405. Policy restrictions.

“Sec. 406. Deduction of unpaid premiums.

“Sec. 407. Premiums and interest guaranteed by United States.

“Sec. 408. Regulations.

“Sec. 409. Review of findings of fact and conclusions of law.

“TITLE V—TAXES AND PUBLIC LANDS

“Sec. 501. Taxes respecting personal property, money, credits, and real property.

“Sec. 502. Rights in public lands.

“Sec. 503. Desert-land entries.

“Sec. 504. Mining claims.

“Sec. 505. Mineral permits and leases.

“Sec. 506. Perfection or defense of rights.

“Sec. 507. Distribution of information concerning benefits of title.

“Sec. 508. Land rights of servicemembers.

“Sec. 509. Regulations.

“Sec. 510. Income taxes.

“Sec. 511. Residence for tax purposes.

“TITLE VI—ADMINISTRATIVE REMEDIES

“Sec. 601. Inappropriate use of Act.

“Sec. 602. Certificates of service; persons reported missing.

“Sec. 603. Interlocutory orders.

“TITLE VII—FURTHER RELIEF

“Sec. 701. Anticipatory relief.

“Sec. 702. Power of attorney.

“Sec. 703. Professional liability protection.

“Sec. 704. Health insurance reinstatement.

“Sec. 705. Guarantee of residency for military personnel.

“Sec. 706. Business or trade obligations.

“SEC. 2. PURPOSE.

“The purposes of this Act are—

“(1) to provide for, strengthen, and expedite the national defense through protection extended by this Act to servicemembers of the United States to enable such persons to devote their entire energy to the defense needs of the Nation; and

“(2) to provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service.

“TITLE I—GENERAL PROVISIONS

“SEC. 101. DEFINITIONS.

“For the purposes of this Act:

“(1) **SERVICEMEMBER.**—The term ‘servicemember’ means a member of the uniformed services, as that term is defined in section 101(a)(5) of title 10, United States Code.

“(2) **MILITARY SERVICE.**—The term ‘military service’ means—