

103^D CONGRESS
2^D SESSION

H. R. 3799

To facilitate recovery from the recent earthquakes in California by providing greater flexibility for depository institutions and their regulators, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1994

Mr. GRAMS (for himself, Mr. DOOLEY, Mr. McCANDLESS, Mr. HUFFINGTON, Mr. COX, Mr. CALVERT, Mr. McKEON, Mr. GALLEGLY, and Mr. McCOLLUM) introduced the following bill; which was referred jointly to the Committees on Banking, Finance and Urban Affairs and the Judiciary

A BILL

To facilitate recovery from the recent earthquakes in California by providing greater flexibility for depository institutions and their regulators, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Depository Institutions
5 Disaster Relief Act of 1994”.

1 **SEC. 2. TRUTH IN LENDING ACT; EXPEDITED FUNDS**
2 **AVAILABILITY ACT.**

3 (a) TRUTH IN LENDING ACT.—During the 180-day
4 period beginning on the date of enactment of this Act, the
5 Board of Governors of the Federal Reserve System may
6 make exceptions to the Truth in Lending Act for trans-
7 actions within an area in which the President, pursuant
8 to section 401 of the Robert T. Stafford Disaster Relief
9 and Emergency Assistance Act, has determined that a
10 major disaster exists, or within an area determined to be
11 eligible for disaster relief under other Federal law, by rea-
12 son of damage related to the 1994 earthquakes in Califor-
13 nia, if the Board determines that the exception can rea-
14 sonably be expected to alleviate hardships to the public
15 resulting from such disaster that outweigh possible ad-
16 verse effects.

17 (b) EXPEDITED FUNDS AVAILABILITY ACT.—During
18 the 180-day period beginning on the date of enactment
19 of this Act, the Board of Governors of the Federal Reserve
20 System may make exceptions to the Expedited Funds
21 Availability Act for depository institution offices located
22 within any area referred to in subsection (a) of this section
23 if the Board determines that the exception can reasonably
24 be expected to alleviate hardships to the public resulting
25 from the disaster referred to in such subsection that out-
26 weigh possible adverse effects.

1 (c) TIME LIMIT ON EXCEPTIONS.—Any exception
2 made under this section shall expire not later than the
3 earlier of—

4 (1) 1 year after the date of enactment of this
5 Act; or

6 (2) 1 year after the date of any determination
7 referred to in subsection (a).

8 (d) PUBLICATION REQUIRED.—The Board of Gov-
9 ernors of the Federal Reserve System shall publish in the
10 Federal Register a statement that—

11 (1) describes any exception made under this
12 section; and

13 (2) explains how the exception can reasonably
14 be expected to produce benefits to the public that
15 outweigh possible adverse effects.

16 **SEC. 3. DEPOSIT OF INSURANCE PROCEEDS.**

17 (a) IN GENERAL.—The appropriate Federal banking
18 agency may, by order, permit an insured depository insti-
19 tution, during the 18-month period beginning on the date
20 of enactment of this Act, to subtract from the institution's
21 total assets, in calculating compliance with the leverage
22 limit prescribed under section 38 of the Federal Deposit
23 Insurance Act, an amount not exceeding the qualifying
24 amount attributable to insurance proceeds, if the agency
25 determines that—

1 (1) the institution—

2 (A) had its principal place of business
3 within an area in which the President, pursuant
4 to section 401 of the Robert T. Stafford Disas-
5 ter Relief and Emergency Assistance Act, has
6 determined that a major disaster exists, or
7 within an area determined to be eligible for dis-
8 aster relief under other Federal law by reason
9 of damage related to the 1994 earthquakes in
10 California, on the day before the date of any
11 such determination;

12 (B) derives more than 60 percent of its
13 total deposits from persons who normally reside
14 within, or whose principal place of business is
15 normally within, areas of intense devastation
16 caused by the major disaster;

17 (C) was adequately capitalized (as defined
18 in section 38 of the Federal Deposit Insurance
19 Act) before the major disaster; and

20 (D) has an acceptable plan for managing
21 the increase in its total assets and total depos-
22 its; and

23 (2) the subtraction is consistent with the pur-
24 pose of section 38 of the Federal Deposit Insurance
25 Act.

1 (b) DEFINITIONS.—For purposes of this section, the
2 following definitions shall apply:

3 (1) APPROPRIATE FEDERAL BANKING AGEN-
4 CY.—The term “appropriate Federal banking agen-
5 cy” has the same meaning as in section 3 of the
6 Federal Deposit Insurance Act.

7 (2) INSURED DEPOSITORY INSTITUTION.—The
8 term “insured depository institution” has the same
9 meaning as in section 3 of the Federal Deposit In-
10 surance Act.

11 (3) LEVERAGE LIMIT.—The term “leverage
12 limit” has the same meaning as in section 38 of the
13 Federal Deposit Insurance Act.

14 (4) QUALIFYING AMOUNT ATTRIBUTABLE TO
15 INSURANCE PROCEEDS.—The term “qualifying
16 amount attributable to insurance proceeds” means
17 the amount (if any) by which the institution’s total
18 assets exceed the institution’s average total assets
19 during the calendar quarter ending before the date
20 of any determination referred to in subsection
21 (a)(1)(A), because of the deposit of insurance pay-
22 ments or governmental assistance made with respect
23 to damage caused by, or other costs resulting from,
24 the major disaster.

1 **SEC. 4. BANKING AGENCY PUBLICATION REQUIREMENTS.**

2 (a) IN GENERAL.—During the 180-day period begin-
3 ning on the date of enactment of this Act, a qualifying
4 regulatory agency may take any of the following actions
5 with respect to depository institutions or other regulated
6 entities whose principal place of business is within, or with
7 respect to transactions or activities within, an area in
8 which the President, pursuant to section 401 of the Robert
9 T. Stafford Disaster Relief and Emergency Assistance
10 Act, has determined that a major disaster exists, or within
11 an area determined to be eligible for disaster relief under
12 other Federal law by reason of damage related to the 1994
13 earthquakes in California, if the agency determines that
14 the action would facilitate recovery from the major disas-
15 ter:

16 (1) PROCEDURE.—Exercising the agency’s au-
17 thority under provisions of law other than this sec-
18 tion without complying with—

19 (A) any requirement of section 553 of title
20 5, United States Code; or

21 (B) any provision of law that requires no-
22 tice or opportunity for hearing or sets maxi-
23 mum or minimum time limits with respect to
24 agency action.

25 (2) PUBLICATION REQUIREMENTS.—Making ex-
26 ceptions, with respect to institutions or other entities

1 for which the agency is the primary Federal regu-
2 lator, to—

3 (A) any publication requirement with re-
4 spect to establishing branches or other deposit-
5 taking facilities; or

6 (B) any similar publication requirement.

7 (b) PUBLICATION REQUIRED.—A qualifying regu-
8 latory agency shall publish in the Federal Register a state-
9 ment that—

10 (1) describes any action taken under this sec-
11 tion; and

12 (2) explains the need for the action.

13 (c) QUALIFYING REGULATORY AGENCY DEFINED.—
14 For purposes of this section, the term “qualifying regu-
15 latory agency” means—

16 (1) the Board of Governors of the Federal Re-
17 serve System;

18 (2) the Comptroller of the Currency;

19 (3) the Director of the Office of Thrift Super-
20 vision;

21 (4) the Federal Deposit Insurance Corporation;

22 (5) the Financial Institutions Examination
23 Council;

24 (6) the National Credit Union Administration;

25 and

1 (7) with respect to chapter 53 of title 31,
2 United States Code, the Secretary of the Treasury.

3 **SEC. 5. STUDY; REPORT TO THE CONGRESS.**

4 (a) STUDY.—The Comptroller General of the United
5 States shall conduct a study that—

6 (1) examines how the agencies and entities
7 granted authority by the Depository Institutions
8 Disaster Relief Act of 1993, and by this Act have
9 exercised such authority;

10 (2) evaluates the utility of such Acts in facili-
11 tating recovery from disasters consistent with the
12 safety and soundness of depository institutions; and

13 (3) contains recommendations with respect to
14 whether the authority granted by this Act should be
15 made permanent.

16 (b) REPORT TO THE CONGRESS.—Not later than 18
17 months after the date of the enactment of this Act, the
18 Comptroller General of the United States shall submit to
19 the Congress a report on the results of the study required
20 by subsection (a).

21 **SEC. 6. SENSE OF THE CONGRESS.**

22 It is the sense of the Congress that the Board of Gov-
23 ernors of the Federal Reserve System, the Comptroller of
24 the Currency, the Director of the Office of Thrift Super-
25 vision, the Federal Deposit Insurance Corporation, and

1 the National Credit Union Administration should encour-
2 age depository institutions meet the financial services
3 needs of their communities and customers located in areas
4 affected by the 1994 earthquakes in California.

5 **SEC. 7. OTHER AUTHORITY NOT AFFECTED.**

6 No provision of this Act shall be construed as limiting
7 the authority of any department or agency under any
8 other provision of law.

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