

103^D CONGRESS
1ST SESSION

S. 1633

To consolidate under a new Federal Banking Commission the supervision of all depository institutions insured under the Federal Deposit Insurance Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8 (legislative day, NOVEMBER 2), 1993

Mr. RIEGLE (for himself and Mr. D'AMATO) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To consolidate under a new Federal Banking Commission the supervision of all depository institutions insured under the Federal Deposit Insurance Act, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Regulatory Consolidation Act of 1993”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—FEDERAL BANKING COMMISSION

- Sec. 101. Establishment.
- Sec. 102. Management.
- Sec. 103. Federal banking commissioners.
- Sec. 104. Powers and duties of the Commission.
- Sec. 105. Conforming amendment relating to transfers of functions.
- Sec. 106. Designated transfer date.
- Sec. 107. Timing of initial appointments.
- Sec. 108. Access by the Federal Reserve Board to the Commission's records.

TITLE II—ABOLITION OF FEDERAL BANKING AGENCIES

- Sec. 201. Office of Comptroller of the Currency and position of Comptroller of the Currency abolished.
- Sec. 202. Office of Thrift Supervision and position of Director of the Office of Thrift Supervision abolished.
- Sec. 203. Savings provisions.
- Sec. 204. References in Federal law to Federal banking agencies.
- Sec. 205. Disposition of affairs.
- Sec. 206. Status of employees.
- Sec. 207. Transfer of property.
- Sec. 208. Conforming changes in Federal Deposit Insurance Corporation Board of Directors.
- Sec. 209. Comptroller's currency-related functions repealed.
- Sec. 210. Federal Financial Institutions Examination Council abolished.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act, the following definitions
3 shall apply:

4 (1) APPOINTED COMMISSIONER.—The term
5 “appointed commissioner” means a commissioner
6 appointed by the President under section 102(3).

7 (2) CHAIRPERSON.—The term “Chairperson”
8 means the Chairperson of the Federal Banking
9 Commission.

10 (3) COMMISSION.—The term “Commission”
11 means the Federal Banking Commission.

1 (3) 3 commissioners appointed by the Presi-
2 dent, by and with the advice and consent of the Sen-
3 ate, from among individuals who are citizens of the
4 United States.

5 **SEC. 103. FEDERAL BANKING COMMISSIONERS.**

6 (a) POLITICAL AFFILIATION.—Not more than 3 com-
7 missioners may be members of the same political party.

8 (b) CHAIRPERSON AND VICE CHAIRPERSON.—

9 (1) CHAIRPERSON.—The President shall, by
10 and with the advice and consent of the Senate, des-
11 ignate 1 of the appointed commissioners, at the time
12 of that person's appointment to the Commission, to
13 serve as the Chairperson of the Commission for a
14 term of 6 years (or, in the case of any appointment
15 under subsection (c)(2), for the remainder of the
16 commissioner's term as a commissioner).

17 (2) VICE CHAIRPERSON.—The President shall,
18 by and with the advice and consent of the Senate,
19 designate 1 of the appointed commissioners, at the
20 time of that person's appointment to the Commis-
21 sion, to serve as the Vice Chairperson of the Com-
22 mission for a term of 6 years (or, in the case of any
23 appointment under subsection (c)(2), for the remain-
24 der of the commissioner's term as a commissioner).

1 (3) ACTING CHAIRPERSON.—The Vice Chair-
2 person shall act as Chairperson if—

3 (A) the position of Chairperson is vacant;

4 or

5 (B) the Chairperson is absent or disabled.

6 (c) APPOINTED COMMISSIONERS' TERMS.—

7 (1) 6-YEAR TERM.—Except as provided in para-
8 graphs (3) and (4), each appointed commissioner
9 shall be appointed for a term of 6 years.

10 (2) UNEXPIRED TERMS.—Any commissioner
11 appointed to fill a vacancy occurring before the end
12 of the term to which the commissioner's predecessor
13 was appointed shall be appointed only for the re-
14 mainder of the term.

15 (3) INITIAL APPOINTMENTS STAGGERED.—Of
16 the first commissioners to be appointed under sec-
17 tion 102(3)—

18 (A) 1 shall be appointed for a term to ex-
19 pire 6 years after the designated transfer date;

20 (B) 1 shall be appointed for a term to ex-
21 pire 4 years after the designated transfer date;
22 and

23 (C) 1 shall be appointed for a term to ex-
24 pire 2 years after the designated transfer date,

1 as designated by the President at the time of the ap-
2 pointment.

3 (d) VACANCY.—Any vacancy on the Commission shall
4 be filled in the same manner in which the original appoint-
5 ment was made.

6 (e) EMPLOYMENT AND OTHER RESTRICTIONS.—

7 (1) IN GENERAL.—During service on the Com-
8 mission, no commissioner may—

9 (A) hold any office or position, or other-
10 wise be employed by, any insured depository in-
11 stitution or company having control of an in-
12 sured depository institution;

13 (B) hold stock or other securities of any
14 insured depository institution or company hav-
15 ing control of an insured depository institution;

16 (C) serve as an officer, director, or em-
17 ployee of any Federal Reserve bank or Federal
18 home loan bank; or

19 (D) serve as an officer, director, or em-
20 ployee of any organization other than a non-
21 profit organization organized for charitable,
22 educational, or other public purposes.

23 (2) CERTIFICATION.—Upon taking office, each
24 commissioner shall file with the Commission a cer-

1 tification under penalty of perjury that the commis-
2 sioner is in compliance with paragraph (1).

3 (3) APPOINTED COMMISSIONERS' POST-SERVICE
4 EMPLOYMENT RESTRICTED.—

5 (A) IN GENERAL.—No appointed commis-
6 sioner may hold any office or position in, or
7 otherwise be employed by, any insured deposi-
8 tory institution or company having control of an
9 insured depository institution, during the 2-year
10 period beginning on the date on which the com-
11 missioner ceases to serve on the Commission.

12 (B) EXCEPTION FOR COMMISSIONERS WHO
13 SERVE FULL TERMS.—Subparagraph (A) does
14 not apply to any commissioner who has served
15 the full term for which that commissioner was
16 appointed.

17 (f) COMPENSATION.—

18 (1) CHAIRPERSON.—Section 5313 of title 5,
19 United States Code, is amended by adding at the
20 end the following new item:

21 “Chairperson of the Federal Banking Commis-
22 sion.”.

23 (2) OTHER APPOINTED COMMISSIONERS.—Sec-
24 tion 5314 of title 5, United States Code, is amended
25 by adding at the end the following new item:

1 “Presidentially appointed members of the Fed-
2 eral Banking Commission (2).”.

3 **SEC. 104. POWERS AND DUTIES OF THE COMMISSION.**

4 (a) REGULATION OF NATIONAL BANKS.—

5 (1) TRANSFER OF FUNCTIONS.—All functions
6 of the Comptroller of the Currency are transferred
7 to the Commission.

8 (2) COMMISSION’S AUTHORITY.—The Commis-
9 sion shall have all powers and duties that were vest-
10 ed in the Comptroller of the Currency before the
11 designated transfer date.

12 (b) REGULATION OF SAVINGS ASSOCIATIONS AND
13 SAVINGS AND LOAN HOLDING COMPANIES.—

14 (1) TRANSFER OF FUNCTIONS.—All functions
15 of the Director of the Office of Thrift Supervision
16 are transferred to the Commission.

17 (2) COMMISSION’S AUTHORITY.—The Commis-
18 sion shall have all powers and duties that were vest-
19 ed in the Director of the Office of Thrift Supervision
20 before the designated transfer date.

21 (c) REGULATION OF MEMBER BANKS, BANK HOLD-
22 ING COMPANIES AND AFFILIATES, AND VARIOUS INTER-
23 NATIONAL BANKING ENTITIES.—

24 (1) TRANSFER OF FUNCTIONS.—All functions
25 of the Board of Governors of the Federal Reserve

1 System (and any Federal Reserve bank) relating to
2 the supervision and regulation of the following enti-
3 ties are transferred to the Commission:

4 (A) Banks that are members of the Fed-
5 eral Reserve System.

6 (B) Bank holding companies and their
7 subsidiaries and affiliates.

8 (C) Companies operating under the Inter-
9 national Banking Act of 1978 and sections 25
10 and 25A of the Federal Reserve Act.

11 (D) Companies that are subject to super-
12 vision or regulation by the Board of Governors
13 of the Federal Reserve System under any title
14 of the Consumer Credit Protection Act.

15 (2) COMMISSION'S AUTHORITY.—The Commis-
16 sion shall have all powers and duties that, before the
17 designated transfer date, were vested in the Board
18 of Governors of the Federal Reserve System under
19 the following provisions of law:

20 (A) Sections 6 (other than the 1st and 2d
21 paragraphs), 9, 19(h), 23, 23A, 23B, 24(a),
22 24A, 25, 25A, and 29, and subsections (g) and
23 (h) of section 22, of the Federal Reserve Act.

24 (B) The Bank Holding Company Act of
25 1956.

1 (C) The Bank Holding Company Act
2 Amendments of 1970.

3 (D) The International Banking Act of
4 1978.

5 (E) Sections 20, 31, and 32 of the Bank-
6 ing Act of 1933.

7 (F) The Federal Deposit Insurance Act.

8 (G) Any title of the Consumer Credit Pro-
9 tection Act.

10 (H) The Bank Protection Act of 1968.

11 (I) The Home Mortgage Disclosure Act of
12 1975.

13 (J) The Community Reinvestment Act of
14 1977.

15 (K) The Depository Institution Manage-
16 ment Interlocks Act.

17 (L) The Bank Service Corporation Act.

18 (M) The Federal Financial Institutions
19 Examination Council Act of 1978.

20 (N) The Right to Financial Privacy Act of
21 1978.

22 (O) The Alternative Mortgage Transaction
23 Parity Act of 1982.

24 (P) The International Lending Supervision
25 Act of 1983.

1 (Q) The Expedited Funds Availability Act.

2 (R) The Financial Institutions Reform,
3 Recovery, and Enforcement Act of 1989.

4 (S) The Federal Deposit Insurance Cor-
5 poration Improvement Act of 1991.

6 (T) The Depository Institutions Disaster
7 Relief Act of 1992.

8 (d) REGULATION OF STATE NONMEMBER BANKS.—

9 (1) TRANSFER OF FUNCTIONS.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraph (B), all functions of the Federal
12 Deposit Insurance Corporation (and its Board
13 of Directors) relating to the supervision and
14 regulation of State nonmember banks are trans-
15 ferred to the Commission.

16 (B) INSURANCE-RELATED FUNCTIONS EX-
17 CEPTED.—The functions of the Federal Deposit
18 Insurance Corporation relating to insurance,
19 conservatorship, or receivership functions shall
20 not be transferred to the Commission.

21 (2) COMMISSION'S AUTHORITY.—The Commis-
22 sion shall have all powers and duties that, before the
23 designated transfer date, were vested in the Federal
24 Deposit Insurance Corporation under the following
25 provisions of law:

1 (A) Sections 7(a), 20, 21, 22, 27, 30(c),
2 32, 33, 34, 35, 36, 37, and 39, subsections (b)
3 through (n), (r), (s), (u), and (v) of section 8,
4 subsections (b)(2)(A), (c), (d), and (e) of sec-
5 tion 10, and subsections (c) (other than para-
6 graph (1)), (d), (g), (i), (j), (l), (o), and (p) of
7 section 18 of the Federal Deposit Insurance
8 Act.

9 (B) Any title of the Consumer Credit Pro-
10 tection Act.

11 (C) The Depository Institution Manage-
12 ment Interlocks Act.

13 (D) The Federal Financial Institutions Ex-
14 amination Council Act of 1978.

15 (E) The Home Mortgage Disclosure Act of
16 1975.

17 (F) The Right to Financial Privacy Act of
18 1978.

19 (G) The Alternative Mortgage Transaction
20 Parity Act of 1982.

21 (H) The Bank Service Corporation Act.

22 (I) The Expedited Funds Availability Act.

23 (J) The Financial Institutions Reform, Re-
24 covery, and Enforcement Act of 1989.

1 (K) The Community Reinvestment Act of
2 1977.

3 (L) The Federal Deposit Insurance Cor-
4 poration Improvement Act of 1991.

5 (M) The Depository Institutions Disaster
6 Relief Act of 1992.

7 (e) SCHOOLS FOR EXAMINERS.—All functions of the
8 Federal Financial Institutions Examination Council relat-
9 ing to the conduct of schools for examiners and assistant
10 examiners pursuant to section 1006(d) of the Federal Fi-
11 nancial Institutions Examination Council Act of 1978 (12
12 U.S.C. 3305(d)) are transferred to the Commission.

13 (f) EFFECTIVE DATE.—Subsections (a) through (e)
14 shall become effective on the designated transfer date.

15 (g) REGULATIONS AND ORDERS.—In addition to any
16 powers transferred to the Commission under subsections
17 (a) through (e), the Commission may prescribe such regu-
18 lations and issue such orders as the Commission may de-
19 termine to be appropriate to carry out this Act and the
20 powers and duties of the Commission transferred under
21 subsections (a) through (e).

1 **SEC. 105. CONFORMING AMENDMENT RELATING TO TRANS-**
2 **FERS OF FUNCTIONS.**

3 Effective on the designated transfer date, section 3(q)
4 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))
5 is amended to read as follows:

6 “(q) APPROPRIATE FEDERAL BANKING AGENCY.—
7 The term ‘appropriate Federal banking agency’ means the
8 Federal Banking Commission.”.

9 **SEC. 106. DESIGNATED TRANSFER DATE.**

10 (a) IN GENERAL.—Not later than 60 days after the
11 date of enactment of this Act, the Secretary, in consulta-
12 tion with the Comptroller of the Currency, the Director
13 of the Office of Thrift Supervision, the Chairman of the
14 Board of Governors of the Federal Reserve System, and
15 the Chairperson of the Federal Deposit Insurance Cor-
16 poration, shall, by order, designate a single calendar date
17 by which to complete the transfer of functions to the Com-
18 mission under section 104.

19 (b) AMENDED DESIGNATION.—The Secretary may,
20 by order, change the date designated under subsection (a).

21 (c) PERMISSIBLE DATES.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), any date designated under this section
24 shall be not earlier than 120 days nor later than 300
25 days after the date of enactment of this Act.

1 (2) EXTENSION OF TIME.—The Secretary may
2 designate a date that is later than 300 days after
3 the date of enactment of this Act if the Secretary
4 transmits to the Committee on Banking, Housing,
5 and Urban Affairs of the Senate and the Committee
6 on Banking, Finance and Urban Affairs of the
7 House of Representatives a written certification that
8 orderly implementation of this Act is not feasible be-
9 fore the last date designated under this section to-
10 gether with—

11 (A) an explanation of why orderly imple-
12 mentation of this Act is not feasible before any
13 other date designated under this section;

14 (B) a description of the steps that have
15 been taken to effect an orderly implementation
16 of this Act—

17 (i) within the period described in
18 paragraph (1); or

19 (ii) if the Secretary has previously
20 designated a date under this paragraph,
21 before that date; and

22 (C) a description of the steps that will be
23 taken to effect an orderly and timely implemen-
24 tation of this Act.

1 (3) EXTENSION LIMITATION.—In no case shall
2 any date designated under this section be later than
3 450 days after the date of enactment of this Act.

4 **SEC. 107. TIMING OF INITIAL APPOINTMENTS.**

5 It is the sense of the Senate that—

6 (1) it is highly desirable that all of the first
7 commissioners to be appointed by the President
8 under section 102(3) be appointed and qualified not
9 later than 20 days before the designated transfer
10 date; and

11 (2) accordingly—

12 (A) the President should transmit those
13 commissioners' appointments to the Senate not
14 later than 90 days before the designated trans-
15 fer date; and

16 (B) the Committee on Banking, Housing,
17 and Urban Affairs of the Senate should act on
18 those appointments not later than 45 days be-
19 fore the designated transfer date.

20 **SEC. 108. ACCESS BY THE FEDERAL RESERVE BOARD TO**
21 **THE COMMISSION'S RECORDS.**

22 For the purpose of carrying out its functions under
23 the Federal Reserve Act, the Board of Governors of the
24 Federal Reserve System shall have access to—

1 (1) all books, accounts, records, reports, files,
 2 memoranda, papers, things, property belonging to or
 3 in use by the Commission; and

4 (2) all reports of examination;
 5 that relate to insured depository institutions or other de-
 6 pository institutions (as defined in section 19(b)(1)(A) of
 7 the Federal Reserve Act) or companies having control of
 8 insured depository institutions or other depository institu-
 9 tions; and together with related work papers and cor-
 10 respondence files, and all without any deletions.

11 **TITLE II—ABOLITION OF**
 12 **FEDERAL BANKING AGENCIES**

13 **SEC. 201. OFFICE OF COMPTROLLER OF THE CURRENCY**
 14 **AND POSITION OF COMPTROLLER OF THE**
 15 **CURRENCY ABOLISHED.**

16 (a) IN GENERAL.—Effective on the designated trans-
 17 fer date, the Office of the Comptroller of the Currency
 18 and the position of Comptroller of the Currency are abol-
 19 ished.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 21 Effective—

22 (1) on the designated transfer date—

23 (A) chapter 9 of title VII of the Revised
 24 Statutes is amended by striking sections 324,
 25 325, and 326; and

1 (B) subchapter I of chapter 3 of title 31,
2 United States Code, is amended by striking sec-
3 tion 307; and

4 (2) 90 days after the designated transfer date,
5 section 5314 of title 5, United States Code, is
6 amended by striking “Comptroller of the Currency.”.

7 **SEC. 202. OFFICE OF THRIFT SUPERVISION AND POSITION**
8 **OF DIRECTOR OF THE OFFICE OF THRIFT SU-**
9 **PERVISION ABOLISHED.**

10 (a) IN GENERAL.—Effective on the designated trans-
11 fer date, the Office of Thrift Supervision and the position
12 of Director of the Office of Thrift Supervision are abol-
13 ished.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
15 Effective—

16 (1) on the designated transfer date—

17 (A) the Home Owners’ Loan Act (12
18 U.S.C. 1461 et seq.) is amended by striking
19 section 3; and

20 (B) subchapter I of chapter 3 of title 31,
21 United States Code, is amended by striking sec-
22 tion 309; and

23 (2) 90 days after the designated transfer date,
24 section 5314 of title 5, United States Code is

1 amended by striking “Director of the Office of
2 Thrift Supervision.”.

3 **SEC. 203. SAVINGS PROVISIONS.**

4 (a) SAVINGS PROVISIONS RELATING TO THE COMP-
5 TROLLER OF THE CURRENCY.—

6 (1) EXISTING RIGHTS, DUTIES, AND OBLIGA-
7 TIONS NOT AFFECTED.—Sections 104(a)(1) and 201
8 shall not affect the validity of any right, duty, or ob-
9 ligation of the United States, the Comptroller of the
10 Currency, the Office of the Comptroller of the Cur-
11 rency, or any other person, that existed on the day
12 before the designated transfer date.

13 (2) CONTINUATION OF SUITS.—This Act shall
14 not abate any proceeding commenced by or against
15 the Comptroller of the Currency or the Office of the
16 Comptroller of the Currency, except that the Com-
17 mission shall be substituted for the Comptroller or
18 the Office as a party to any such proceeding as of
19 the designated transfer date.

20 (b) SAVINGS PROVISIONS RELATING TO THE DIREC-
21 TOR OF THE OFFICE OF THRIFT SUPERVISION.—

22 (1) EXISTING RIGHTS, DUTIES, AND OBLIGA-
23 TIONS NOT AFFECTED.—Sections 104(b)(1) and 202
24 shall not affect the validity of any right, duty, or ob-
25 ligation of the United States, the Director of the Of-

1 fice of Thrift Supervision, the Office of Thrift Su-
2 pervision, or any other person, that existed on the
3 day before the designated transfer date.

4 (2) CONTINUATION OF SUITS.—This Act shall
5 not abate any proceeding commenced by or against
6 the Director of the Office of Thrift Supervision or
7 the Office of Thrift Supervision, except that the
8 Commission shall be substituted for the Director or
9 the Office as a party to any such proceeding as of
10 the designated transfer date.

11 (c) SAVINGS PROVISIONS RELATING TO THE BOARD
12 OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—

13 (1) EXISTING RIGHTS, DUTIES, AND OBLIGA-
14 TIONS NOT AFFECTED.—Section 104(c)(1) shall not
15 affect the validity of any right, duty, or obligation of
16 the United States, the Board of Governors of the
17 Federal Reserve System, or any other person that—

18 (A) arises under any provision of law re-
19 ferred to in section 104(c)(1); and

20 (B) existed on the day before the date of
21 enactment of this Act.

22 (2) CONTINUATION OF SUITS.—This Act shall
23 not abate any proceeding commenced by or against
24 the Board of Governors of the Federal Reserve Sys-
25 tem with respect to any function transferred to the

1 Commission, except that the Commission shall be
2 substituted for the Board of Governors as a party to
3 any such proceeding as of the designated transfer
4 date.

5 (d) SAVINGS PROVISIONS RELATING TO THE FED-
6 ERAL DEPOSIT INSURANCE CORPORATION.—

7 (1) EXISTING RIGHTS, DUTIES, AND OBLIGA-
8 TIONS NOT AFFECTED.—Section 104(d)(1) shall not
9 affect the validity of any right, duty, or obligation of
10 the United States, the Federal Deposit Insurance
11 Corporation, the Board of Directors of that Corpora-
12 tion, or any other person, that—

13 (A) arises under any provision of law re-
14 ferred to in section 104(d)(2); and

15 (B) existed on the day before the des-
16 igned transfer date.

17 (2) CONTINUATION OF SUITS.—This Act shall
18 not abate any proceeding commenced by or against
19 the Federal Deposit Insurance Corporation or the
20 Board of Directors of that Corporation with respect
21 to any function transferred to the Commission, ex-
22 cept that the Commission shall be substituted for
23 the Corporation or Board of Directors, as the case
24 may be, as a party to any such proceeding as of the
25 designated transfer date.

1 (e) CONTINUATION OF ORDERS, RESOLUTIONS, DE-
2 TERMINATIONS, AND REGULATIONS.—All orders, resolu-
3 tions, determinations, and regulations, which have been is-
4 sued, made, prescribed, or allowed to become effective by
5 the Comptroller of the Currency, the Director of the Office
6 of Thrift Supervision, the Board of Governors of the Fed-
7 eral Reserve System, or the Federal Deposit Insurance
8 Corporation (including orders, resolutions, determinations,
9 and regulations that relate to the conduct of
10 conservatorships and receiverships), or by a court of com-
11 petent jurisdiction, in the performance of functions that
12 are transferred by this Act and that are in effect on the
13 designated transfer date, shall continue in effect according
14 to the terms of those orders, resolutions, determinations,
15 and regulations and shall be enforceable by or against the
16 Federal Banking Commission until modified, terminated,
17 set aside, or superseded in accordance with applicable law
18 by the Commission, by any court of competent jurisdic-
19 tion, or by operation of law.

20 **SEC. 204. REFERENCES IN FEDERAL LAW TO FEDERAL**
21 **BANKING AGENCIES.**

22 (a) COMPTROLLER OF THE CURRENCY AND DIREC-
23 TOR OF THE OFFICE OF THRIFT SUPERVISION.—Any ref-
24 erence in any Federal law to the Comptroller of the Cur-
25 rency, the Office of the Comptroller of the Currency, the

1 Director of the Office of Thrift Supervision, or the Office
2 of Thrift Supervision shall be deemed to be a reference
3 to the Federal Banking Commission.

4 (b) BOARD OF GOVERNORS OF THE FEDERAL RE-
5 SERVE SYSTEM.—Any reference in any Federal law to the
6 Board of Governors of the Federal Reserve System in con-
7 nection with any function of the Board of Governors under
8 any provision of law referred to in section 104(c)(2) shall
9 be deemed to be a reference to the Federal Banking Com-
10 mission.

11 (c) FEDERAL DEPOSIT INSURANCE CORPORATION.—
12 Any reference in any Federal law to the Federal Deposit
13 Insurance Corporation or the Board of Directors of such
14 Corporation in connection with any function of the Cor-
15 poration or Board of Directors under any provision of law
16 referred to in section 104(d)(2) shall be deemed to be a
17 reference to the Federal Banking Commission.

18 **SEC. 205. DISPOSITION OF AFFAIRS.**

19 (a) IN GENERAL.—During the 90-day period begin-
20 ning on the designated transfer date, the Board of Gov-
21 ernors of the Federal Reserve System, the Board of Direc-
22 tors of the Federal Deposit Insurance Corporation, the
23 Comptroller of the Currency, and the Director of the Of-
24 fice of Thrift Supervision—

1 (1) shall, solely for the purpose of winding up
2 the affairs of their respective agencies related to any
3 functions transferred to the Commission under this
4 Act—

5 (A) manage the employees of those agen-
6 cies and provide for the payment of the com-
7 pensation and benefits of any such employee
8 which accrue before the designated transfer
9 date; and

10 (B) manage any property of those agencies
11 until the property is transferred under section
12 209; and

13 (2) may take any other action necessary to
14 wind up the affairs of their respective agencies relat-
15 ing to the transferred functions.

16 (b) AUTHORITY AND STATUS OF EXECUTIVES.—

17 (1) IN GENERAL.—Notwithstanding the trans-
18 fers of functions under this Act, the Board of Gov-
19 ernors of the Federal Reserve System, the Board of
20 Directors of the Federal Deposit Insurance Corpora-
21 tion, the Comptroller of the Currency, and the Di-
22 rector of the Office of Thrift Supervision shall, dur-
23 ing the 90-day period beginning on the designated
24 transfer date, have any authority vested in those

1 persons before that date that is necessary to carry
2 out the requirements of this Act during that period.

3 (2) OTHER PROVISIONS.—For purposes of
4 paragraph (1), the Comptroller of the Currency and
5 the Director of the Office of Thrift Supervision shall
6 continue—

7 (A) to be treated as officers of the United
8 States during the 90-day period referred to in
9 paragraph (1); and

10 (B) to be entitled to receive compensation
11 during that period at the same annual rate of
12 basic pay that they were receiving before the
13 designated transfer date.

14 **SEC. 206. STATUS OF EMPLOYEES.**

15 (a) STATUS OF EMPLOYEES BEFORE TRANSFER.—
16 The transfer of functions under this Act and the abolition
17 of the Office of the Comptroller of the Currency and the
18 Office of Thrift Supervision shall not be construed as af-
19 fecting the status of those agencies' employees as employ-
20 ees of an agency of the United States for purposes of any
21 other provision of law.

22 (b) CONTINUATION OF SERVICES.—

23 (1) USE OF EMPLOYEES AND PROPERTY.—The
24 Commission may use the services of employees and
25 other personnel and the property of the Office of the

1 Comptroller of the Currency, the Office of Thrift
2 Supervision, the Board of Governors of the Federal
3 Reserve System, and the Federal Deposit Insurance
4 Corporation, on a reimbursable basis, to perform
5 functions that have been transferred from those
6 agencies for such time as is reasonable to facilitate
7 the orderly transfer of functions under this Act.

8 (2) AGENCY SERVICES.—Any agency, depart-
9 ment, or other instrumentality of the United States,
10 and any successor to any such agency, department,
11 or instrumentality, that was providing supporting
12 services to the Office of the Comptroller of the Cur-
13 rency, the Office of Thrift Supervision, the Board of
14 Governors of the Federal Reserve System, or the
15 Federal Deposit Insurance Corporation, before the
16 designated transfer date shall, in connection with
17 those transfers to the Commission—

18 (A) continue to provide those services, on
19 a reimbursable basis, until the transfer of those
20 functions is complete; and

21 (B) consult with any such agency to co-
22 ordinate and facilitate a prompt and orderly
23 transition.

24 (c) TRANSFER OF EMPLOYEES.—Employees of the
25 Office of the Comptroller of the Currency and the Office

1 of Thrift Supervision, and employees of the Board of Gov-
2 ernors of the Federal Reserve System, and the Federal
3 Deposit Insurance Corporation engaged in performing
4 functions transferred to the Commission on the designated
5 transfer date, shall be transferred to the Commission.

6 (d) RIGHTS OF EMPLOYEES.—Employees transferred
7 under subsection (c) shall have the following rights:

8 (1) TRANSFER.—Each employee shall be trans-
9 ferred to the Commission for employment not later
10 than 90 days after the designated transfer date, and
11 the transfer shall be deemed a transfer of function
12 for the purpose of section 3503 of title 5, United
13 States Code.

14 (2) EQUAL POSITION.—Each transferred em-
15 ployee shall be guaranteed a position with not less
16 than the same status, tenure, and pay as that held
17 December 31, 1992.

18 (3) 1-YEAR PRESERVATION OF PERMANENT PO-
19 SITIONS.—No employee holding a permanent posi-
20 tion shall be involuntarily separated or reduced in
21 grade or compensation for 1 year after the date of
22 transfer, except for cause.

23 (4) SPECIAL APPOINTMENT AUTHORITY.—In
24 the case of employees occupying positions in the ex-
25 cepted service or the Senior Executive Service, any

1 appointment authority established pursuant to law
2 or regulations of the Office of Personnel Manage-
3 ment for filling such positions shall be transferred.

4 (5) WORK FORCE REORGANIZATION.—If the
5 Commission determines, after the end of the 1-year
6 period beginning on the designated transfer date,
7 that a reorganization of the combined work force is
8 required, that reorganization shall be deemed a
9 “major reorganization” for purposes of affording af-
10 fected employees retirement under section
11 8336(d)(2) or 8414(b)(1)(B) of title 5, United
12 States Code.

13 (6) EMPLOYEE BENEFIT PROGRAMS.—Any em-
14 ployee transferred to the Commission may retain for
15 1 year after the date the transfer occurs membership
16 in any employee benefit program of the transferring
17 agency, including insurance, to which the employee
18 belongs on the designated transfer date if—

19 (A) the employee does not elect to give up
20 the benefit or membership in the program; and

21 (B) the benefit or program is continued by
22 the Commission.

23 The Commission shall pay the difference in the costs
24 between the benefits which would have been provided
25 by the agency or entity and those provided by this

1 section. If any employee elects to give up member-
2 ship in a health insurance program or the Commis-
3 sion does not continue the health insurance pro-
4 gram, the employee shall be permitted to select an
5 alternate Federal health insurance program not later
6 than 30 days after the election or notice, without re-
7 gard to any regularly scheduled open season.

8 (7) SENIOR EXECUTIVE SERVICE EMPLOY-
9 EES.—A transferring employee in the Senior Execu-
10 tive Service shall be placed in a comparable position
11 at the agency or entity to which the employee is
12 transferred.

13 (8) NOTICE OF POSITION ASSIGNMENTS.—
14 Transferring employees shall receive notice of their
15 position assignments not later than 120 days after
16 the effective date of their transfer.

17 **SEC. 207. TRANSFER OF PROPERTY.**

18 (a) IN GENERAL.—Not later than the end of the 90-
19 day period beginning on the designated transfer date—

20 (1) the property of the Office of the Comptrol-
21 ler of the Currency and the Office of Thrift Super-
22 vision shall be transferred to the Commission; and

23 (2) any property of the Board of Governors of
24 the Federal Reserve System and the Federal Deposit
25 Insurance Corporation used in performing functions

1 of those agencies transferred to the Commission
2 under this Act shall be transferred to the Commis-
3 sion.

4 (b) PRESERVATION OF PROPERTY.—Property trans-
5 ferred under this section shall not be altered, destroyed,
6 or deleted before transfer under this section.

7 (c) PROPERTY DEFINED.—For purposes of this sec-
8 tion, the term “property” includes all real property, books,
9 accounts, records, reports, files, memoranda, paper, re-
10 ports of examination, work papers and correspondence re-
11 lated to such reports, and any other information or mate-
12 rials of the agencies specified in subsection (a) on the des-
13 ignated transfer date.

14 (d) ADMINISTRATIVE PROVISION.—For purposes of
15 this section, the Board of Governors of the Federal Re-
16 serve System and the Board of Directors of the Federal
17 Deposit Insurance Corporation shall determine what prop-
18 erty is used in performing functions to be transferred
19 under this Act.

20 **SEC. 208. CONFORMING CHANGES IN FEDERAL DEPOSIT IN-**
21 **SURANCE CORPORATION BOARD OF DIREC-**
22 **TORS.**

23 (a) IN GENERAL.—Subparagraphs (A) and (B) of
24 section 2(a)(1) of the Federal Deposit Insurance Act (12
25 U.S.C. 1812(a)(1)) are amended to read as follows:

1 “(A) 1 of whom is the Secretary of the Treas-
2 ury (or the Secretary’s designee);

3 “(B) 1 of whom is the Chairperson of the Fed-
4 eral Banking Commission; and”.

5 (b) VACANCY.—Section 2(d)(2) of the Federal De-
6 posit Insurance Act (12 U.S.C. 1812(d)(2)) is amended
7 to read as follows:

8 “(2) ACTING OFFICIAL MAY SERVE.—

9 “(A) SECRETARY OF THE TREASURY.—In
10 the event of a vacancy in the position of the
11 Secretary of the Treasury or during the absence
12 or disability of the Secretary of the Treasury,
13 the acting Secretary or the acting Secretary’s
14 designee shall serve as a member of the Board
15 of Directors.

16 “(B) CHAIRPERSON OF THE FEDERAL
17 BANKING COMMISSION.—In the event of a va-
18 cancy in the position of Chairperson of the Fed-
19 eral Banking Commission or during the absence
20 or disability of the Chairperson, the acting
21 Chairperson shall serve as a member of the
22 Board of Directors.”.

1 **SEC. 209. COMPTROLLER'S CURRENCY-RELATED FUNC-**
2 **TIONS REPEALED.**

3 (a) OBSOLETE CURRENCY PROVISIONS RE-
4 PEALED.—

5 (1) REPEAL OF REVISED STATUTES PROVI-
6 SIONS.—The following sections of the Revised Stat-
7 utes are repealed:

8 (A) Section 5203 (12 U.S.C. 87).

9 (B) Section 5206 (12 U.S.C. 88).

10 (C) Section 5196 (12 U.S.C. 89).

11 (D) Section 5158 (12 U.S.C. 102).

12 (E) Section 5159 (12 U.S.C. 101a).

13 (F) Section 5172 (12 U.S.C. 104).

14 (G) Section 5173 (12 U.S.C. 107).

15 (H) Section 5174 (12 U.S.C. 108).

16 (I) Section 5182 (12 U.S.C. 109).

17 (J) Section 5183 (12 U.S.C. 110).

18 (K) Section 5195 (12 U.S.C. 123).

19 (L) Section 5184 (12 U.S.C. 124).

20 (M) Section 5226 (12 U.S.C. 131).

21 (N) Section 5227 (12 U.S.C. 132).

22 (O) Section 5228 (12 U.S.C. 133).

23 (P) Section 5229 (12 U.S.C. 134).

24 (Q) Section 5230 (12 U.S.C. 137).

25 (R) Section 5231 (12 U.S.C. 138).

26 (S) Section 5232 (12 U.S.C. 135).

1 (T) Section 5233 (12 U.S.C. 136).

2 (U) Section 5185 (12 U.S.C. 151).

3 (V) Section 5186 (12 U.S.C. 152).

4 (W) Section 5160 (12 U.S.C. 168).

5 (X) Section 5161 (12 U.S.C. 169).

6 (Y) Section 5162 (12 U.S.C. 170).

7 (Z) Section 5163 (12 U.S.C. 171).

8 (AA) Section 5164 (12 U.S.C. 172).

9 (BB) Section 5165 (12 U.S.C. 173).

10 (CC) Section 5166 (12 U.S.C. 174).

11 (DD) Section 5167 (12 U.S.C. 175).

12 (EE) Section 5222 (12 U.S.C. 183).

13 (FF) Section 5223 (12 U.S.C. 184).

14 (GG) Section 5224 (12 U.S.C. 185).

15 (HH) Section 5225 (12 U.S.C. 186).

16 (II) Section 5237 (12 U.S.C. 195).

17 (2) CURRENCY PROVISIONS IN OTHER STAT-
18 UTES REPEALED.—The following provisions of law
19 are repealed:

20 (A) Section 12 of the Act entitled “An Act
21 to define and fix the standard of value, to main-
22 tain the parity of all forms of money issued or
23 coined by the United States, to refund the pub-
24 lic debt, and for other purposes.” and approved
25 March 14, 1900 (12 U.S.C. 101).

1 (B) Section 3 of the Act entitled “An Act
2 to amend the laws relating to the denomina-
3 tions, and notes by national banks and to per-
4 mit the issuance of notes of small denomina-
5 tions, and for other purposes.” and approved
6 October 5, 1917 (12 U.S.C. 103).

7 (C) The following sections of the Act enti-
8 tled “An Act fixing the amount of United
9 States notes, providing for a redistribution of
10 the national-bank currency, and for other pur-
11 poses.” and approved June 20, 1874:

12 (i) Section 5 (12 U.S.C. 105).

13 (ii) Section 3 (12 U.S.C. 121).

14 (iii) Section 8 (12 U.S.C. 126).

15 (iv) Section 4 (12 U.S.C. 176).

16 (D) The following sections of the Act enti-
17 tled “An Act to enable national-banking asso-
18 ciations to extend their corporate existence, and
19 for other purposes.” and approved July 12,
20 1882:

21 (i) Section 8 (12 U.S.C. 177).

22 (ii) Section 9 (12 U.S.C. 178).

23 (3) OTHER STATUTES REPEALED.—

24 (A) The Act entitled “An Act to amend the
25 National Bank Act in providing for redemption

1 of national bank notes stolen from or lost by
2 banks of issue.” and approved July 28, 1892
3 (12 U.S.C. 125) is repealed.

4 (B) The Act entitled “An Act authorizing
5 the conversion of national gold banks.” and ap-
6 proved February 14, 1880 (12 U.S.C. 153) is
7 repealed.

8 (b) FEDERAL RESERVE ACT AND OTHER LAWS
9 AMENDED.—

10 (1) FEDERAL RESERVE ACT.—

11 (A) The 1st sentence of the 8th undesig-
12 nated paragraph of section 16 of the Federal
13 Reserve Act (12 U.S.C. 418) is amended by
14 striking “the Comptroller of the Currency shall,
15 under the direction of the Secretary of the
16 Treasury,” and inserting “the Secretary of the
17 Treasury shall”.

18 (B) The 9th undesignated paragraph of
19 section 16 of the Federal Reserve Act (12
20 U.S.C. 419) is amended to read as follows:
21 “When such notes have been prepared, the
22 notes shall be delivered to the Board of Gov-
23 ernors of the Federal Reserve System subject to
24 the order of the Secretary of the Treasury for

1 the delivery of such notes in accordance with
2 this Act.”.

3 (C) The 10th undesignated paragraph of
4 section 16 of the Federal Reserve Act (12
5 U.S.C. 420) is amended—

6 (i) by striking “Comptroller of the
7 Currency” and inserting “Secretary of the
8 Treasury”; and

9 (ii) by striking “Federal Reserve
10 Board” and inserting “Board of Governors
11 of the Federal Reserve System”.

12 (D) The 11th undesignated paragraph of
13 section 16 of the Federal Reserve Act (12
14 U.S.C. 421) is amended to read as follows:
15 “The Secretary of the Treasury may examine
16 the plates, dies, bed pieces, and other material
17 used in the printing of Federal Reserve notes
18 and may issue regulations relating to such ex-
19 aminations.”.

20 (2) OTHER LAWS.—

21 (A) The Act entitled “An Act to provide
22 for the redemption of national-bank notes, Fed-
23 eral Reserve notes, and Federal Reserve notes
24 which cannot be identified as to the bank of

1 issue.” and approved June 13, 1933, is amend-
2 ed—

3 (i) in the 1st section (12 U.S.C.
4 121a)—

5 (I) by striking “whenever any na-
6 tional-bank notes, Federal Reserve
7 bank notes,” and inserting “whenever
8 any Federal Reserve bank notes”; and

9 (II) by striking “, and the notes,
10 other than Federal Reserve notes, so
11 redeemed shall be forwarded to the
12 Comptroller of the Currency for can-
13 cellation and destruction”; and

14 (ii) in the 2d section (12 U.S.C.
15 122a)—

16 (I) by striking “National-bank
17 notes and”; and

18 (II) by striking “national-bank
19 notes and”.

20 (B) The 1st section of the Act entitled “An
21 Act making appropriations for sundry civil ex-
22 penses of the Government for the fiscal year
23 ending June thirtieth, eighteen hundred and
24 seventy-six, and for other purposes.” and ap-
25 proved March 3, 1875 (12 U.S.C. 106), is

1 amended in the first paragraph that appears
2 under the heading “NATIONAL CURRENCY.” by
3 striking “Secretary of the Treasury: *Provided,*
4 That” and all that follows through the period
5 and inserting “Secretary of the Treasury.”.

6 (C) The Act entitled “An Act to simplify
7 the accounts of the Treasurer of the United
8 States, and for other purposes.” and approved
9 October 10, 1940 (12 U.S.C. 177a) is amended
10 by striking all after the enacting clause and in-
11 serting the following: “The cost of transporting
12 and redeeming outstanding national bank notes
13 and Federal Reserve bank notes as may be pre-
14 sented to the Treasurer of the United States
15 for redemption shall be paid from the regular
16 annual appropriation for the Department of the
17 Treasury.”.

18 (D) Section 5234 of the Revised Statutes
19 (12 U.S.C. 192) is amended by striking “has
20 refused to pay its circulating notes as therein
21 mentioned, and”.

22 (E) Section 5236 of the Revised Statutes
23 (12 U.S.C. 194) is amended by striking “, after
24 full provision has been first made for refunding

1 to the United States any deficiency in redeem-
2 ing the notes of such association.”.

3 (F) Section 5238 of the Revised Statutes
4 (12 U.S.C. 196) is amended by striking the
5 first sentence.

6 (G) Section 5119(b)(2) of title 31, United
7 States Code, is amended by adding at the end
8 the following: “The Secretary shall not be re-
9 quired to reissue United States currency notes
10 upon redemption.”.

11 **SEC. 210. FEDERAL FINANCIAL INSTITUTIONS EXAMINA-**
12 **TION COUNCIL ABOLISHED.**

13 (a) IN GENERAL.—The Federal Financial Institu-
14 tions Examination Council is abolished.

15 (b) CONFORMING AMENDMENTS.—

16 (1) IN GENERAL.—The Federal Financial Insti-
17 tutions Examination Council Act of 1978 is
18 amended by striking sections 1002, 1004, 1005,
19 1007, 1008, 1009, and 1009A.

20 (2) TRAINING.—Section 1006 of the Federal
21 Financial Institutions Examination Council Act of
22 1978 (12 U.S.C. 3305) is amended by striking sub-
23 sections (a), (b), (c), (e), and (f).

1 (3) DEFINITION.—Section 1003 of the Federal
2 Financial Institutions Examination Council Act of
3 1978 (12 U.S.C. 3302) is amended—

4 (A) by inserting “and” at the end of para-
5 graph (1);

6 (B) by striking paragraph (2); and

7 (C) by redesignating paragraph (3) as
8 paragraph (2).

9 (c) REDESIGNATION OF APPRAISAL SUBCOMMIT-
10 TEE.—

11 (1) IN GENERAL.—The Appraisal Subcommittee
12 established by section 1011 of the Federal Financial
13 Institutions Examination Council Act of 1978 (12
14 U.S.C. 3310) shall be redesignated the “Appraisal
15 Committee”.

16 (2) AMENDMENT TO SECTION 1011.—The first
17 sentence of section 1011 of the Federal Financial
18 Institutions Examination Council Act of 1978 (12
19 U.S.C. 3310) is amended to read as follows: “There
20 shall be a committee to be known as the ‘Appraisal
21 Committee’, which shall consist of the designees of
22 the Chairperson of the Federal Banking Commis-
23 sion, the Chairperson of the Federal Deposit Insur-
24 ance Corporation, and the Chairman of the National
25 Credit Union Administration Board.”.

1 (3) AMENDMENT TO SECTION HEADING.—The
 2 heading of section 1011 of the Federal Financial In-
 3 stitutions Examination Council Act of 1978 is
 4 amended to read as follows:

5 **“SEC. 1011. ESTABLISHMENT OF APPRAISAL COMMITTEE.”.**

6 (d) REFERENCES IN OTHER LAW.—Any reference in
 7 any Federal law to the Federal Financial Institutions Ex-
 8 amination Council shall be deemed to be a reference to
 9 the Commission.

10 (e) EFFECTIVE DATE.—This section and the amend-
 11 ments made by this section shall take effect on the des-
 12 ignated transfer date.

○

S 1633 IS—2

S 1633 IS—3

S 1633 IS—4