

103D CONGRESS
1ST SESSION

S. 714

AMENDMENTS

In the House of Representatives, U. S.,

September 14, 1993.

Resolved, That the bill from the Senate (S. 714) entitled “An Act to provide funding for the resolution of failed savings associations, and for other purposes”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Resolution Trust Cor-*
3 *poration Completion Act”.*

4 ***SEC. 2. FINAL FUNDING FOR RTC.***

5 *Section 21A(i) of the Federal Home Loan Bank Act*
6 *(12 U.S.C. 1441a(i)) is amended—*

7 *(1) in paragraph (3), by striking “until April 1,*
8 *1992”; and*

9 *(2) by adding at the end the following new para-*
10 *graphs:*

11 *“(4) CONDITIONS ON AVAILABILITY OF FINAL*
12 *FUNDING IN EXCESS OF \$10,000,000,000.—*

13 *“(A) CERTIFICATION REQUIRED.—Of the*
14 *funds appropriated under paragraph (3) which*
15 *are provided after April 1, 1993, any amount in*
16 *excess of \$10,000,000,000 shall not be available*

1 to the Corporation before the date on which the
2 Secretary of the Treasury certifies to the Con-
3 gress that, since the date of the enactment of the
4 Resolution Trust Corporation Completion Act,
5 the Corporation has taken such action as may be
6 necessary to comply with the requirements of
7 subsection (w) or that, as of the date of the cer-
8 tification, the Corporation is continuing to make
9 adequate progress toward full compliance with
10 such requirements.

11 “(B) APPEARANCE UPON REQUEST.—The
12 Secretary of the Treasury shall appear before the
13 Committee on Banking, Finance and Urban Af-
14 fairs of the House of Representatives and the
15 Committee on Banking, Housing, and Urban Af-
16 fairs of the Senate, upon the request of the chair-
17 man of the respective committee, to report on
18 any certification made to the Congress under
19 subparagraph (A).

20 “(5) RETURN TO TREASURY.—If the aggregate
21 amount of funds transferred to the Corporation pur-
22 suant to this subsection exceeds the amount needed to
23 carry out the purposes of this section or to meet the
24 requirements of section 11(a)(6)(F) of the Federal De-

1 *posit Insurance Act, such excess amount shall be de-*
 2 *posited in the general fund of the Treasury.*

3 “(6) *FUNDS ONLY FOR DEPOSITORS.*—Notwith-
 4 *standing any other provision of law other than sec-*
 5 *tion 13(c)(4)(G) of the Federal Deposit Insurance Act,*
 6 *funds appropriated under this section shall—*

7 “(A) *be used only for the purposes of pro-*
 8 *tecting insured depositors or the administrative*
 9 *expenses of the Corporation; and*

10 “(B) *not be used in any manner to benefit*
 11 *shareholders of an insured depository institution*
 12 *in connection with any type of resolution by the*
 13 *Corporation or the Federal Deposit Insurance*
 14 *Corporation of an insured depository institution*
 15 *for which the Corporation has been appointed*
 16 *conservator or receiver or any other insured de-*
 17 *pository institution in default (as defined in sec-*
 18 *tion 3(x)(1) of the Federal Deposit Insurance*
 19 *Act) under any provision of law, or the provi-*
 20 *sion of assistance in any form under section 11,*
 21 *12, or 13 of the Federal Deposit Insurance Act.’’.*

22 **SEC. 3. RTC MANAGEMENT REFORMS.**

23 (a) *IN GENERAL.*—Section 21A of the Federal Home
 24 *Loan Bank Act (12 U.S.C. 1441a) is amended by adding*
 25 *at the end the following new subsection:*

1 “(w) *RTC MANAGEMENT REFORMS.*—

2 “(1) *COMPREHENSIVE BUSINESS PLAN.*—The
3 *Corporation shall establish and maintain a com-*
4 *prehensive business plan covering the operations of*
5 *the Corporation, including the disposition of assets,*
6 *for the remainder of the Corporation’s existence.*

7 “(2) *MARKETING REAL PROPERTY ON AN INDIVIDUAL BASIS.*—The Corporation shall—

9 “(A) *market all assets consisting of real*
10 *property (other than assets transferred in con-*
11 *nection with the transfer of substantially all of*
12 *the assets of an insured depository institution for*
13 *which the Corporation has been appointed con-*
14 *servator or receiver) on an individual basis, in-*
15 *cluding sales by auction, for no fewer than 120*
16 *days before such assets may be made available*
17 *for sale or other disposition on a portfolio basis*
18 *or otherwise included in a multiasset sales ini-*
19 *tiative; and*

20 “(B) *prescribe regulations—*

21 “(i) *to require that the sale or other*
22 *disposition of any asset consisting of real*
23 *property on a portfolio basis or in connec-*
24 *tion with any multiasset sales initiative*
25 *after the end of the 120-day period described*

1 *in subparagraph (A) be justified in writing;*
 2 *and*

3 “(ii) *to carry out the requirement of*
 4 *subparagraph (A).*

5 “(3) *DISPOSITION OF REAL ESTATE RELATED*
 6 *ASSETS.—*

7 “(A) *PROCEDURES FOR DISPOSITION OF*
 8 *REAL-ESTATE RELATED ASSETS.—The Corpora-*
 9 *tion shall not sell real property or*
 10 *nonperforming real estate loans which the Cor-*
 11 *poration has acquired as receiver or conservator,*
 12 *unless—*

13 “(i) *the Corporation has assigned re-*
 14 *sponsibility for the management and dis-*
 15 *position of such assets to a qualified person*
 16 *or entity to—*

17 “(I) *analyze each asset on an*
 18 *asset-by-asset basis and consider alter-*
 19 *native disposition strategies for such*
 20 *asset;*

21 “(II) *develop a written manage-*
 22 *ment and disposition plan; and*

23 “(III) *implement that plan for a*
 24 *reasonable period of time; or*

1 “(ii) the Corporation has made a de-
 2 termination in writing, that a bulk trans-
 3 action would maximize net recovery to the
 4 Corporation, while providing opportunity
 5 for broad participation by qualified bidders,
 6 including minority- and women-owned
 7 businesses.

8 “(B) DEFINITIONS.—

9 “(i) IN GENERAL.—The Corporation
 10 may, by regulation, define any term in sub-
 11 paragraph (A) for purposes of such sub-
 12 paragraph.

13 “(ii) SPECIAL RULE.—In defining
 14 terms pursuant to clause (i) for purposes of
 15 subparagraph (A), the Corporation may de-
 16 fine—

17 “(I) the term ‘asset’ so as to in-
 18 clude properties or loans which are le-
 19 gally separate and distinct properties
 20 or loans, but which have sufficiently
 21 common characteristics such that they
 22 may be logically treated as a single
 23 asset; and

24 “(II) the term ‘qualified person or
 25 entity’ so as to include any employee

1 *of the Thrift Depositor Protection*
2 *Oversight Board or any employee as-*
3 *signed to the Corporation under sub-*
4 *section (b)(8).*

5 “(C) *IMPLEMENTATION.*—*The Corporation*
6 *may implement the requirements of this para-*
7 *graph in such manner as the Corporation con-*
8 *siders, in the Corporation’s discretion, to be*
9 *appropriate.*

10 “(D) *EXCEPTIONS.*—*This paragraph shall*
11 *not apply to—*

12 “(i) *assets transferred in connection*
13 *with the transfer of substantially all the as-*
14 *sets of an insured depository institution for*
15 *which the Corporation has been appointed*
16 *conservator or receiver;*

17 “(ii) *nonperforming real estate loans*
18 *with a book value equal to or less than*
19 *\$1,000,000;*

20 “(iii) *real property with a book value*
21 *equal to or less than \$200,000; or*

22 “(iv) *real property with a book value*
23 *in excess of \$200,000 or nonperforming real*
24 *estate loans with a book value in excess of*
25 *\$1,000,000 for which the Corporation deter-*

1 *mines, in writing, that a disposition not in*
 2 *conformity with the requirements of sub-*
 3 *paragraph (A) will bring a greater return*
 4 *to the Corporation.*

5 *“(E) COORDINATION WITH PARAGRAPH*
 6 *(2).—No provision of this paragraph shall super-*
 7 *sede the requirements of paragraph (2).*

8 *“(4) DIVISION OF MINORITIES AND WOMEN’S*
 9 *PROGRAMS.—*

10 *“(A) IN GENERAL.—The Corporation shall*
 11 *maintain a division of minorities and women’s*
 12 *programs.*

13 *“(B) VICE PRESIDENT.—The head of the di-*
 14 *vision shall be a vice president of the Corpora-*
 15 *tion and a member of the executive committee of*
 16 *the Corporation.*

17 *“(5) CHIEF FINANCIAL OFFICER.—*

18 *“(A) IN GENERAL.—The chief executive offi-*
 19 *cer of the Corporation shall appoint a chief fi-*
 20 *nancial officer for the Corporation.*

21 *“(B) AUTHORITY.—The chief financial offi-*
 22 *cer of the Corporation shall—*

23 *“(i) have no operating responsibilities*
 24 *with respect to the Corporation other than*
 25 *as chief financial officer;*

1 “(ii) report directly to the chief execu-
2 tive officer of the Corporation; and

3 “(iii) have such authority and duties
4 of chief financial officers of agencies under
5 section 902 of title 31, United States Code,
6 as the Thrift Depositor Protection Oversight
7 Board determines to be appropriate with re-
8 spect to the Corporation.

9 “(6) BASIC ORDERING AGREEMENTS.—

10 “(A) REVISION OF PROCEDURES.—The Cor-
11 poration shall revise the procedure for reviewing
12 and qualifying applicants for eligibility for fu-
13 ture contracts in a specified service area (com-
14 monly referred to as ‘basic ordering agreements’
15 or ‘task ordering agreements’) in such manner as
16 may be necessary to ensure that small businesses,
17 minorities, and women are not inadvertently ex-
18 cluded from eligibility for such contracts.

19 “(B) REVIEW OF LISTS.—The Corporation
20 shall—

21 “(i) review all lists of contractors de-
22 termined to be eligible for future contracts
23 in a specified service area (commonly re-
24 ferred to as ‘basic ordering agreements’ or

1 ‘task ordering agreements’) and other con-
 2 tracting mechanisms; and

3 “(ii) prescribe appropriate regulations
 4 and procedures,
 5 to ensure the maximum participation level pos-
 6 sible of minority- and women-owned businesses.

7 “(7) IMPROVEMENT OF CONTRACTING SYSTEMS
 8 AND CONTRACTOR OVERSIGHT.—The Corporation
 9 shall—

10 “(A) maintain such procedures and uniform
 11 standards for—

12 “(i) entering into contracts between the
 13 Corporation and private contractors; and

14 “(ii) overseeing the performance of con-
 15 tractors and subcontractors under such con-
 16 tracts and compliance by contractors and
 17 subcontractors with the terms of contracts
 18 and applicable regulations, orders, policies,
 19 and guidelines of the Corporation,

20 as may be appropriate for the Corporation’s op-
 21 erations to be carried out in as efficient and eco-
 22 nomical a manner as may be practicable;

23 “(B) commit sufficient resources, including
 24 personnel, to contract oversight and the enforce-
 25 ment of all laws, regulations, orders, policies,

1 *and standards applicable to contracts with the*
2 *Corporation; and*

3 “(C) *maintain uniform procurement guide-*
4 *lines for basic goods and administrative services*
5 *to prevent the acquisition of such goods and serv-*
6 *ices at widely different prices.*

7 “(8) *AUDIT COMMITTEE.—*

8 “(A) *ESTABLISHMENT.—The Thrift Deposi-*
9 *tor Protection Oversight Board shall establish*
10 *and maintain an audit committee.*

11 “(B) *DUTIES.—The audit committee shall*
12 *have the following duties:*

13 “(i) *Monitor the internal controls of*
14 *the Corporation.*

15 “(ii) *Monitor the audit findings and*
16 *recommendations of the inspector general of*
17 *the Corporation and the Comptroller Gen-*
18 *eral of the United States and the Corpora-*
19 *tion’s response to the findings and rec-*
20 *ommendations.*

21 “(iii) *Maintain a close working rela-*
22 *tionship with the inspector general of the*
23 *Corporation and the Comptroller General of*
24 *the United States.*

1 “(iv) Regularly report the findings and
 2 any recommendation of the audit committee
 3 to the Corporation and the Thrift Depositor
 4 Protection Oversight Board.

5 “(v) Monitor the financial operations
 6 of the Corporation and report any incipient
 7 problem identified by the audit committee
 8 to the Corporation and the Thrift Depositor
 9 Protection Oversight Board.

10 “(9) CORRECTIVE RESPONSES TO AUDIT PROB-
 11 LEMS.—The Corporation shall maintain procedures
 12 which provide for a prompt and determinative re-
 13 sponse to problems identified by auditors of the Cor-
 14 poration’s financial and asset-disposition operations,
 15 including problems identified in audit reports by the
 16 inspector general of the Corporation, the Comptroller
 17 General of the United States, and the audit commit-
 18 tee.

19 “(10) ASSISTANT GENERAL COUNSEL FOR PRO-
 20 FESSIONAL LIABILITY.—

21 “(A) APPOINTMENT.—The chief executive of-
 22 ficer shall appoint, within the division of legal
 23 services of the Corporation, an assistant general
 24 counsel for professional liability.

1 “(B) *DUTIES.*—*The assistant general coun-*
2 *sel for professional liability appointed under*
3 *subparagraph (A) shall—*

4 “(i) *direct the investigation, evalua-*
5 *tion, and prosecution of all professional li-*
6 *ability cases involving the Corporation; and*

7 “(ii) *supervise all legal, investigative,*
8 *and other personnel and contractors in-*
9 *volved in the litigation of such claims.*

10 “(C) *REPORTS TO THE CONGRESS.*—*The as-*
11 *stant general counsel for professional liability*
12 *shall submit semiannual reports to the Congress*
13 *not later than April 30 and October 31 of each*
14 *year concerning the activities of the counsel*
15 *under subparagraph (B).*

16 “(11) *MANAGEMENT INFORMATION SYSTEM.*—*The*
17 *Corporation shall maintain an effective management*
18 *information system capable of providing complete and*
19 *current information to the extent the provision of*
20 *such information is appropriate and cost-effective.*

21 “(12) *INTERNAL CONTROLS AGAINST FRAUD,*
22 *WASTE, AND ABUSE.*—*The Corporation shall main-*
23 *tain effective internal controls designed to prevent*
24 *fraud, waste, and abuse, identify any such activity*

1 *should it occur, and promptly correct any such*
2 *activity.*

3 “(13) *FAILURE TO APPOINT CERTAIN OFFICERS*
4 *OF THE CORPORATION.—The failure to fill any posi-*
5 *tion established under this section or any vacancy in*
6 *any such position, shall be treated as a failure to*
7 *comply with the requirements of this subsection for*
8 *purposes of subsection (i)(4).*

9 “(14) *REPORTS.—*

10 “(A) *DETAILED DISCLOSURE OF EXPENDI-*
11 *TURES.—The Corporation shall include in the*
12 *annual report submitted pursuant to subsection*
13 *(k)(4) a detailed itemization of the expenditures*
14 *of the Corporation during the year for which*
15 *funds provided pursuant to subsection (i)(3)*
16 *were used.*

17 “(B) *PUBLIC DISCLOSURE OF SALARIES.—*
18 *The Corporation shall include in the annual re-*
19 *port submitted pursuant to subsection (k)(4) a*
20 *disclosure of the salaries and other compensation*
21 *paid during the year covered by the report to di-*
22 *rectors and senior executive officers at any de-*
23 *pository institution for which the Corporation*
24 *has been appointed conservator or receiver.*

1 “(C) *COMPREHENSIVE LITIGATION RE-*
2 *PORT.—The Corporation shall develop and pro-*
3 *vide semiannually a comprehensive litigation re-*
4 *port of all civil actions which—*

5 “(i) *are filed by the Corporation pur-*
6 *suant to section 11(k) of the Federal Deposit*
7 *Insurance Act or any other provision of ap-*
8 *plicable law asserted by the Corporation as*
9 *a basis for liability of—*

10 “(I) *directors or officers of deposi-*
11 *tory institutions described in sub-*
12 *section (b)(3)(A); or*

13 “(II) *attorneys, accountants, ap-*
14 *praisers, or other licensed professionals*
15 *who performed professional services for*
16 *such depository institutions; and*

17 “(ii) *have been filed before January 1,*
18 *1993, and remain open, or are initiated, on*
19 *or after January 1, 1993.*

20 “(15) *MINORITY- AND WOMEN-OWNED BUSI-*
21 *NESSES CONTRACT PARITY GUIDELINES.—The Cor-*
22 *poration shall establish guidelines for achieving a rea-*
23 *sonably even distribution of contracts awarded to the*
24 *various subgroups of the class of minority- and*
25 *women-owned businesses whose total number of reg-*

1 *istered contractors comprise not less than five percent*
2 *of all minority- or women-owned registered contrac-*
3 *tors.*

4 “(16) *CONDITIONS ON DISCRETIONARY WAIVERS*
5 *OF CONFLICTS OF INTEREST.—The Corporation may*
6 *not grant any waiver from the requirements of any*
7 *regulations prescribed by the Corporation relating to*
8 *conflicts of interest to any minority or nonminority*
9 *contractor who is otherwise eligible (under such regu-*
10 *lations) for such waiver unless the contractor is under*
11 *subcontract with a minority- or women-owned busi-*
12 *ness, or is part of a joint venture described in sub-*
13 *section (r)(2), for the performance of a portion of the*
14 *contractor’s obligation under the contract.*

15 “(17) *CONTRACT SANCTIONS FOR FAILURE TO*
16 *COMPLY WITH SUBCONTRACT AND JOINT VENTURE RE-*
17 *QUIREMENTS.—The Corporation shall prescribe regu-*
18 *lations which provide sanctions, including contract*
19 *penalties and suspensions, for violations by contrac-*
20 *tors of requirements relating to subcontractors and*
21 *joint ventures.*

22 “(18) *MINORITY PREFERENCE IN ACQUISITION*
23 *OF INSTITUTIONS IN PREDOMINANTLY MINORITY*
24 *NEIGHBORHOODS.—*

1 “(A) *IN GENERAL.*—In considering offers to
2 acquire any insured depository institution, or
3 any branch of an insured depository institution,
4 located in a predominantly minority neighbor-
5 hood (as defined in regulations prescribed under
6 subsection (s)), the Corporation shall prefer an
7 offer from any minority individual, minority-
8 owned business, or a minority depository institu-
9 tion, over any other offer that results in the same
10 cost to the Corporation as determined under sec-
11 tion 13(c)(4)(A) of the Federal Deposit Insur-
12 ance Act.

13 “(B) *CAPITAL ASSISTANCE.*—

14 “(i) *ELIGIBILITY.*—In order to effec-
15 tuate the purposes of this paragraph, any
16 minority individual, minority-owned busi-
17 ness, or a minority depository institution
18 shall be eligible for capital assistance under
19 the minority interim capital assistance pro-
20 gram established under subsection (u)(1)
21 and subject to the provisions of subsection
22 (u)(3), to the extent that such assistance is
23 consistent with the application of section
24 13(c)(4)(a) of the Federal Deposit Insurance
25 Act under subparagraph (A).

1 “(ii) *TERMS AND CONDITIONS.*—Sub-
 2 section (u)(4) shall not apply to capital as-
 3 sistance provided under this subparagraph.

4 “(C) *PERFORMING ASSETS.*—In the case of
 5 an acquisition of any depository institution or
 6 branch described in subparagraph (A) by any
 7 minority individual, minority-owned business,
 8 or a minority depository institution, the Cor-
 9 poration may provide, in connection with such
 10 acquisition and in addition to performing assets
 11 of the depository institution or branch, other per-
 12 forming assets under the control of the Corpora-
 13 tion in an amount (as determined on the basis
 14 of the Corporation’s estimate of the fair market
 15 value of the assets) not greater than the amount
 16 of net liabilities carried on the books of the insti-
 17 tution or branch, including deposits, which are
 18 assumed in connection with the acquisition.

19 “(D) *FIRST PRIORITY FOR DISPOSITION OF*
 20 *ASSETS.*—In the case of an acquisition of any
 21 depository institution or branch described in
 22 subparagraph (A) by any minority individual,
 23 minority-owned business, or a minority deposi-
 24 tory institution, the disposition of the perform-
 25 ing assets of the depository institution or branch

1 to such individual, business, or minority deposi-
 2 tory institution shall have a first priority over
 3 the disposition by the Corporation of such assets
 4 for any other purpose.

5 “(E) *DEFINITIONS.*—For purposes of this
 6 paragraph—

7 “(i) *ACQUIRE.*—The term ‘acquire’ has
 8 the meaning given to such term in section
 9 13(f)(8)(B) of the Federal Deposit Insurance
 10 Act.

11 “(ii) *MINORITY.*—The term ‘minority’
 12 has the meaning given to such term in sec-
 13 tion 1204(c)(3) of the Financial Institutions
 14 Reform, Recovery and Enforcement Act of
 15 1989.

16 “(iii) *MINORITY DEPOSITORY INSTITU-*
 17 *TION.*—The term ‘minority depository insti-
 18 tution’ has the meaning given to such term
 19 in subsection (s)(2).

20 “(iv) *MINORITY-OWNED BUSINESS.*—
 21 The term ‘minority-owned business’ has the
 22 meaning given to such term in subsection
 23 (r)(4).

24 “(19) *SUBCONTRACTS WITH MINORITY- AND*
 25 *WOMEN-OWNED BUSINESSES.*—

1 “(A) *IN GENERAL.*—*The Corporation may*
2 *not enter into any contract for the provision of*
3 *services to the Corporation, including legal serv-*
4 *ices, under which the contractor would receive*
5 *fees or other compensation or remuneration in*
6 *an amount equal to or greater than \$500,000*
7 *unless the Corporation requires the contractor to*
8 *subcontract with any minority- or women-owned*
9 *business, including any law firm, and to pay*
10 *fees or other compensation or remuneration to*
11 *such business in an amount commensurate with*
12 *the percentage of services provided by the busi-*
13 *ness.*

14 “(B) *LIMITED WAIVER AUTHORITY.*—

15 “(i) *IN GENERAL.*—*The Corporation*
16 *may grant a waiver from the application of*
17 *this paragraph to any contractor with re-*
18 *spect to a contract described in subpara-*
19 *graph (A) if the contractor certifies to the*
20 *Corporation that the contractor has deter-*
21 *mined that no eligible minority- or women-*
22 *owned business is available to enter into a*
23 *subcontract (with respect to such contract)*
24 *and provides an explanation of the basis for*
25 *such determination.*

1 “(ii) *WAIVER PROCEDURES.*—Any de-
 2 termination to grant a waiver under clause
 3 (i) shall be made in writing by the chief ex-
 4 ecutive officer of the Corporation.

5 “(C) *REPORT.*—Each quarterly report sub-
 6 mitted by the Corporation pursuant to subsection
 7 (k)(7) shall contain a description of each waiver
 8 granted under subparagraph (B) during the
 9 quarter covered by the report.

10 “(D) *DEFINITIONS.*—For the purposes of
 11 this paragraph—

12 “(i) *MINORITY.*—The term ‘minority’
 13 has the meaning given to such term by sec-
 14 tion 1204(c)(3) of the Financial Institutions
 15 Reform, Recovery, and Enforcement Act of
 16 1989.

17 “(ii) *MINORITY- AND WOMEN-OWNED*
 18 *BUSINESS.*—The terms ‘minority-owned
 19 business’ and ‘women-owned business’ have
 20 the meaning given to such terms in sub-
 21 section (r)(4).

22 “(20) *CONTRACTING PROCEDURES.*—In award-
 23 ing any contract subject to the competitive bidding
 24 process, the Corporation shall apply competitive bid-
 25 ding procedures no less stringent than those in effect

1 on the date of the enactment of the Resolution Trust
2 Corporation Completion Act.”.

3 (b) *BORROWER APPEALS*.—Section 21A(b)(4) of the
4 Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(4)) is
5 amended by adding at the end the following new subpara-
6 graph:

7 “(C) *APPEALS*.—The Corporation shall im-
8 plement and maintain a program, in a manner
9 acceptable to the Thrift Depositor Protection
10 Oversight Board, to provide an appeals process
11 for business and commercial borrowers to appeal
12 decisions by the Corporation (when acting as a
13 conservator) which would have the effect of ter-
14 minating or otherwise adversely affecting credit
15 or loan agreements, lines of credit, and similar
16 arrangements with such borrowers who have not
17 defaulted on their obligations.”.

18 (c) *GAO STUDY OF PROGRESS OF IMPLEMENTATION*
19 *OF REFORMS*.—

20 (1) *STUDY REQUIRED*.—The Comptroller General
21 of the United States shall conduct a study of the man-
22 ner in which the reforms required pursuant to the
23 amendment made by subsection (a) are being imple-
24 mented by the Resolution Trust Corporation and the
25 progress being made by the Corporation toward the

1 *achievement of full compliance with such require-*
2 *ments.*

3 (2) *INTERIM REPORT TO CONGRESS.*—*Not later*
4 *than 6 months after the date of the enactment of this*
5 *Act, the Comptroller General of the United States*
6 *shall submit an interim report to the Congress con-*
7 *taining the preliminary findings of the Comptroller*
8 *General in connection with the study required under*
9 *paragraph (1).*

10 (3) *FINAL REPORT TO CONGRESS.*—*Not later*
11 *than 1 year after the date of the enactment of this*
12 *Act, the Comptroller General of the United States*
13 *shall submit a report to the Congress containing—*

14 (A) *the findings of the Comptroller General*
15 *in connection with the study required under*
16 *paragraph (1); and*

17 (B) *such recommendations for legislative*
18 *and administrative action as the Comptroller*
19 *General may determine to be appropriate.*

20 (4) *DISCLOSURE OF PERFORMING ASSET TRANS-*
21 *FERS.*—

22 (A) *REPORT REQUIRED.*—*The Comptroller*
23 *General of the United States shall submit an an-*
24 *ual report to the Congress on transfers of per-*

1 *forming assets by the Corporation to any*
 2 *acquirer during the year covered by the report.*

3 (B) *CONTENTS.—Each report submitted*
 4 *under subparagraph (A) shall contain—*

5 *(i) the number and a detailed descrip-*
 6 *tion of asset transfers during the year cov-*
 7 *ered by the report;*

8 *(ii) the number of assets provided in*
 9 *connection with each transaction during*
 10 *such year; and*

11 *(iii) the fair market value, as deter-*
 12 *mined by the Comptroller General, of each*
 13 *transferred asset at the time of transfer.*

14 **SEC. 4. EXTENSION OF STATUTE OF LIMITATIONS.**

15 (a) *IN GENERAL.—Section 21A(b) of the Federal*
 16 *Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by*
 17 *adding at the end the following new paragraph:*

18 “(14) *EXTENSION OF STATUTE OF LIMITA-*
 19 *TIONS.—*

20 “(A) *TORT ACTIONS FOR WHICH THE PRIOR*
 21 *LIMITATION HAS RUN.—*

22 “(i) *IN GENERAL.—In the case of any*
 23 *tort claim—*

24 “(I) *which is described in clause*
 25 *(ii); and*

1 “(II) for which the applicable
 2 statute of limitations under section
 3 11(d)(14)(A)(ii) of the Federal Deposit
 4 Insurance Act has expired before the
 5 date of the enactment of the Resolution
 6 Trust Corporation Completion Act,
 7 the statute of limitations which shall apply
 8 to an action brought on such claim by the
 9 Corporation in the Corporation’s capacity
 10 as conservator or receiver of an institution
 11 described in paragraph (3)(A) shall be the
 12 period determined under subparagraph (C).

13 “(ii) CLAIMS DESCRIBED.—A tort
 14 claim referred to in clause (i)(I) with re-
 15 spect to an institution described in para-
 16 graph (3)(A) is a claim arising from fraud,
 17 intentional misconduct resulting in unjust
 18 enrichment, or intentional misconduct re-
 19 sulting in substantial loss to the institution.

20 “(B) TORT ACTIONS FOR WHICH THE PRIOR
 21 LIMITATION HAS NOT RUN.—

22 “(i) IN GENERAL.—Notwithstanding
 23 section 11(d)(14)(A) of the Federal Deposit
 24 Insurance Act, in the case of any tort
 25 claim—

1 “(I) which is described in clause
2 (ii); and

3 “(II) for which the applicable
4 statute of limitations under section
5 11(d)(14)(A)(ii) of the Federal Deposit
6 Insurance Act has not expired as of the
7 date of the enactment of the Resolution
8 Trust Corporation Completion Act,
9 the statute of limitations which shall apply
10 to an action brought on such claim by the
11 Corporation in the Corporation’s capacity
12 as conservator or receiver of an institution
13 described in paragraph (3)(A) shall be the
14 period determined under subparagraph (C).

15 “(ii) CLAIMS DESCRIBED.—A tort
16 claim referred to in clause (i)(I) with re-
17 spect to an institution described in para-
18 graph (3)(A) is a claim arising from gross
19 negligence or conduct that demonstrates a
20 greater disregard of a duty of care than
21 gross negligence, including intentional
22 tortious conduct relating to the institution.

23 “(C) DETERMINATION OF PERIOD.—The pe-
24 riod determined under this subparagraph for

1 any claim to which subparagraph (A) or (B) ap-
 2 plies shall be the longer of—

3 “(i) the 5-year period beginning on the
 4 date the claim accrues (as determined pur-
 5 suant to section 11(d)(14)(B) of the Federal
 6 Deposit Insurance Act); or

7 “(ii) the period applicable under State
 8 law for such claim.

9 “(D) *SCOPE OF APPLICATION.*—Subpara-
 10 graphs (A) and (B) shall not apply to any ac-
 11 tion which is brought after the date of the termi-
 12 nation of the Resolution Trust Corporation
 13 under subsection (m)(1).”.

14 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—Sec-
 15 tion 11(d)(14)(A)(ii) of the Federal Deposit Insurance Act
 16 (12 U.S.C. 1821(d)(14)(A)(ii)) is amended by inserting
 17 “(other than a claim which is subject to section 21A(b)(14)
 18 of the Federal Home Loan Bank Act)” after “any tort
 19 claim”.

20 **SEC. 5. LIMITATION ON BONUSES AND COMPENSATION**
 21 **PAID BY THE RTC AND THE THRIFT DEPOSI-**
 22 **TOR PROTECTION OVERSIGHT BOARD.**

23 (a) *IN GENERAL.*—Section 21A of the Federal Home
 24 Loan Bank Act (12 U.S.C. 1441a) is amended by adding

1 *after subsection (w) (as added by section 3(a) of this Act)*
 2 *the following new subsections:*

3 “(X) *PERFORMANCE-BASED CASH AWARDS.*—

4 “(1) *ESTABLISHMENT OF PERFORMANCE AP-*
 5 *PRAISAL SYSTEM REQUIRED.*—*The Corporation shall*
 6 *be treated as an agency for purposes of sections 4302*
 7 *and 4304 of title 5, United States Code.*

8 “(2) *PROCEDURES FOR PAYMENT OF PERFORM-*
 9 *ANCE-BASED CASH AWARDS.*—

10 “(A) *IN GENERAL.*—*Section 4505a of title*
 11 *5, United States Code, shall apply with respect*
 12 *to the Corporation.*

13 “(B) *LIMITATION ON AMOUNT OF CASH*
 14 *AWARDS.*—*For purposes of determining the*
 15 *amount of any performance-based cash award*
 16 *payable to any employee of the Corporation,*
 17 *under section 4505a of title 5, United States*
 18 *Code, the amount of basic pay of the employee*
 19 *which may be taken into account under such sec-*
 20 *tion shall not exceed the amount which is equal*
 21 *to the annual rate of basic pay payable for level*
 22 *I of the Executive Schedule.*

23 “(3) *ALL OTHER BONUSES PROHIBITED.*—*Except*
 24 *as provided in paragraph (2), no bonus or other cash*

1 *payment based on performance may be made to any*
 2 *employee of the Corporation.*

3 “(4) *EMPLOYEE DEFINED.*—*For purposes of this*
 4 *subsection, subsection (y), and sections 4302 and*
 5 *4505a of title 5, United States Code (as applicable*
 6 *with respect to this subsection), the term ‘employee’*
 7 *includes any officer or employee assigned to the Cor-*
 8 *poration under subsection (b)(8) and any officer or*
 9 *employee of the Thrift Depositor Protection Oversight*
 10 *Board.*

11 “(y) *LIMITATIONS ON EXCESSIVE COMPENSATION.*—

12 “(1) *COMPENSATION.*—*Notwithstanding any*
 13 *other provision of this section, no employee (as de-*
 14 *finied in subsection (x)) may receive a total amount*
 15 *of allowances, benefits, basic pay, and other com-*
 16 *pensation, including bonuses and other awards, in ex-*
 17 *cess of the total amount of allowances, benefits, basic*
 18 *pay, and other compensation, including bonuses and*
 19 *other awards, which are provided to the chief execu-*
 20 *tive officer of the Corporation.*

21 “(2) *NO REDUCTION IN RATE OF PAY.*—*Notwith-*
 22 *standing paragraph (1), the annual rate of basic pay*
 23 *and benefits, including any regional pay differential,*
 24 *payable to any employee who was an employee as of*
 25 *the date of the enactment of the Resolution Trust Cor-*

1 poration Completion Act for any year ending after
2 such date of enactment shall not be reduced, by reason
3 of paragraph (1), below the annual rate of basic pay
4 and benefits, including any regional pay differential,
5 paid to such employee, by reason of such employment,
6 as of such date.

7 “(3) EMPLOYEES SERVING IN ACTING OR TEM-
8 PORARY CAPACITY.—Notwithstanding paragraph (1),
9 in the case of any employee who, as of the date of the
10 enactment of the Resolution Trust Corporation Com-
11 pletion Act, is serving in an acting capacity or is
12 otherwise temporarily employed at a higher grade
13 than such employee’s regular grade or position of em-
14 ployment—

15 “(A) the annual rate of basic pay and bene-
16 fits, including any regional pay differential,
17 payable to such employee in such capacity or at
18 such higher grade shall not be reduced by reason
19 of paragraph (1) so long as such employee con-
20 tinues to serve in such capacity or at such higher
21 grade; and

22 “(B) after such employee ceases to serve in
23 such capacity or at such higher grade, para-
24 graph (2) shall be applied with respect to such
25 employee by taking into account only the annual

1 *rate of basic pay and benefits, including any re-*
 2 *gional pay differential, payable to such employee*
 3 *in such employee's regular grade or position of*
 4 *employment.*

5 “(4) *ALLOWANCES DEFINED.*—*For purposes of*
 6 *paragraph (1), the term ‘allowances’ does not include*
 7 *any allowance for travel and subsistence expenses in-*
 8 *curring by an employee while away from home or des-*
 9 *ignated post of duty on official business.’”.*

10 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—

11 (1) *Section 5314 of title 5, United States Code,*
 12 *is amended by striking the item added to such section*
 13 *by section 315(c) of the Resolution Trust Corporation*
 14 *Refinancing, Restructuring, and Improvement Act of*
 15 *1991.*

16 (2) *Section 21A(a)(6) of the Federal Home Loan*
 17 *Bank Act (12 U.S.C. 1441a(a)(6)) is amended by*
 18 *adding at the end the following new subparagraph:*

19 “(K) *To establish the rate of basic pay, ben-*
 20 *efits, and other compensation for the chief execu-*
 21 *tive officer of the Corporation.’”.*

22 **SEC. 6. FDIC—RTC TRANSITION TASK FORCE.**

23 (a) *ESTABLISHMENT REQUIRED.*—*The Federal De-*
 24 *posit Insurance Corporation and the Resolution Trust Cor-*
 25 *poration shall establish an interagency transition task force*

1 *for the purpose of facilitating the transfer, in accordance*
 2 *with section 21A of the Federal Home Loan Bank Act, of*
 3 *the operations and personnel of the Resolution Trust Cor-*
 4 *poration to the Federal Deposit Insurance Corporation or*
 5 *the FSLIC Resolution Fund, as the case may be, in a co-*
 6 *ordinated manner which best preserves and utilizes the*
 7 *operational systems and personnel teams of the Resolution*
 8 *Trust Corporation which have successfully performed man-*
 9 *agement, conservatorship, receivership, or asset-disposition*
 10 *functions.*

11 *(b) MEMBERS.—*

12 *(1) IN GENERAL.—The transition task force shall*
 13 *consist of such number of officers and employees of the*
 14 *Federal Deposit Insurance Corporation and the Reso-*
 15 *lution Trust Corporation as the Chairperson of the*
 16 *Board of Directors of the Federal Deposit Insurance*
 17 *Corporation and the chief executive officer of the Res-*
 18 *olution Trust Corporation may jointly determine to*
 19 *be appropriate.*

20 *(2) APPOINTMENT.—The Chairperson of the*
 21 *Board of Directors of the Federal Deposit Insurance*
 22 *Corporation and the chief executive officer of the Res-*
 23 *olution Trust Corporation shall appoint the members*
 24 *of the transition task force.*

1 (3) *NO ADDITIONAL PAY.*—Members of the transi-
2 tion task force shall receive no additional pay, allow-
3 ances, or benefits by reason of their service on the task
4 force.

5 (c) *DUTIES.*—The transition task force shall have the
6 following duties:

7 (1) *Examine the operations of the Federal De-*
8 *posit Insurance Corporation and the Resolution Trust*
9 *Corporation to identify differences in the operations*
10 *of the 2 corporations which should be resolved to fa-*
11 *cilitate an orderly merger of such operations.*

12 (2) *Evaluate the differences in the operational*
13 *systems of the Federal Deposit Insurance Corporation*
14 *and the Resolution Trust Corporation.*

15 (3) *Recommend which of the operational systems*
16 *of the Resolution Trust Corporation should be pre-*
17 *served for use by the Federal Deposit Insurance Cor-*
18 *poration.*

19 (4) *Recommend procedures to be followed by the*
20 *Federal Deposit Insurance Corporation and the Reso-*
21 *lution Trust Corporation in connection with the tran-*
22 *sition which will promote—*

23 (A) *coordination between the 2 corporations*
24 *before the termination of the Resolution Trust*
25 *Corporation; and*

1 (B) an orderly transfer of assets, personnel,
2 and operations.

3 (5) Evaluate the management enhancement goals
4 applicable to the Resolution Trust Corporation under
5 section 21A(p) of the Federal Home Loan Bank Act
6 and recommend which of such goals should apply to
7 the Federal Deposit Insurance Corporation.

8 (6) Evaluate the management reforms applicable
9 to the Resolution Trust Corporation under section
10 21A(w) of the Federal Home Loan Bank Act and rec-
11 ommend which of such reforms should apply to the
12 Federal Deposit Insurance Corporation.

13 (d) *REPORTS TO BANKING COMMITTEES.*—

14 (1) *REPORTS REQUIRED.*—The transition task
15 force shall submit a report to the Committee on Bank-
16 ing, Finance and Urban Affairs of the House of Rep-
17 resentative and the Committee on Banking, Housing,
18 and Urban Affairs of the Senate no later than Janu-
19 ary 1, 1995, and a 2d report no later than July 1,
20 1995, on the progress made by the transition task
21 force in meeting the requirements of this section.

22 (2) *CONTENTS OF REPORT.*—The reports re-
23 quired to be submitted under paragraph (1) shall con-
24 tain the findings and recommendations made by the
25 transition task force in carrying out the duties of the

1 *task force under subsection (c) and such recommenda-*
 2 *tions for legislative and administrative action as the*
 3 *task force may determine to be appropriate.*

4 *(e) FOLLOWUP REPORT BY FDIC.—Not later than*
 5 *January 1, 1996, the Federal Deposit Insurance Corpora-*
 6 *tion shall submit a report to the Committee on Banking,*
 7 *Finance and Urban Affairs of the House of Representative*
 8 *and the Committee on Banking, Housing, and Urban Af-*
 9 *fairs of the Senate containing—*

10 *(1) a description of the recommendations of the*
 11 *transition task force which have been adopted by the*
 12 *Corporation;*

13 *(2) a description of the recommendations of the*
 14 *transition task force which have not been adopted by*
 15 *the Corporation;*

16 *(3) a detailed explanation of the reasons why the*
 17 *Corporation did not adopt each recommendation de-*
 18 *scribed in paragraph (2); and*

19 *(4) a description of the actions taken by the Cor-*
 20 *poration to comply with section 21A(m)(3) of the*
 21 *Federal Home Loan Bank Act.*

22 **SEC. 7. AMENDMENTS RELATING TO THE TERMINATION OF**
 23 **THE RTC.**

24 *(a) AMENDMENT RELATING TO TRANSFER OF PERSON-*
 25 *NEL AND SYSTEMS.—Section 21A(m) of the Federal Home*

1 *Loan Bank Act (12 U.S.C. 1441a(m)) is amended by add-*
2 *ing at the end the following new paragraph:*

3 “(3) *TRANSFER OF PERSONNEL AND SYSTEMS.—*
4 *In connection with the assumption by the Federal De-*
5 *posit Insurance Corporation of conservatorship and*
6 *receivership functions with respect to institutions de-*
7 *scribed in subsection (b)(3)(A) and the termination of*
8 *the Corporation pursuant to paragraph (1)—*

9 “(A) *any management, resolution, or asset-*
10 *disposition system of the Corporation which the*
11 *Secretary of the Treasury determines, after con-*
12 *sidering the recommendations of the interagency*
13 *transfer task force under section 5(c)(3) of the*
14 *Resolution Trust Corporation Completion Act,*
15 *has been of positive benefit to the operations of*
16 *the Corporation (including any personal prop-*
17 *erty of the Corporation which is used in operat-*
18 *ing any such system) shall, notwithstanding*
19 *paragraph (2), be transferred to and used by the*
20 *Federal Deposit Insurance Corporation in a*
21 *manner which preserves the integrity of the sys-*
22 *tem for so long as such system is efficient and*
23 *cost-effective; and*

24 “(B) *any personnel of the Corporation in-*
25 *volved with any such system who are otherwise*

1 *eligible to be transferred to the Federal Deposit*
 2 *Insurance Corporation shall be transferred to the*
 3 *Federal Deposit Insurance Corporation for con-*
 4 *tinued employment, subject to section 404(9) of*
 5 *the Financial Institutions Reform, Recovery,*
 6 *and Enforcement Act of 1989 and other applica-*
 7 *ble provisions of this section, with respect to such*
 8 *system.”.*

9 (b) *AMENDMENT RELATING TO DATE OF TERMI-*
 10 *NATION.—Section 21A(m)(1) of the Federal Home Loan*
 11 *Bank Act (12 U.S.C. 1441a(m)(1)) is amended by striking*
 12 *“December 31, 1996” and inserting “December 31, 1995”.*

13 ***SEC. 8. SAIF FUNDING AUTHORIZATION AMENDMENTS.***

14 (a) *AMENDMENT TO SAIF FUNDING PROVISION.—Sec-*
 15 *tion 11(a)(6)(D) of the Federal Deposit Insurance Act (12*
 16 *U.S.C. 1821(a)(6)(D)) is amended to read as follows:*

17 *“(D) TREASURY PAYMENTS TO FUND.—To*
 18 *the extent of the availability of amounts provided*
 19 *in appropriation Acts and subject to subpara-*
 20 *graphs (E) and (G), the Secretary of the Treas-*
 21 *ury shall pay to the Savings Association Insur-*
 22 *ance Fund such amounts as may be needed to*
 23 *pay losses incurred by the Fund in fiscal years*
 24 *1994 through 1998.”.*

1 (b) *CERTIFICATION OF NEED FOR FUNDS AND OTHER*
 2 *CONDITIONS ON SAIF FUNDING.*—Section 11(a)(6)(E) of
 3 *the Federal Deposit Insurance Act (12 U.S.C.*
 4 *1821(a)(6)(E)) is amended to read as follows:*

5 “(E) *CERTIFICATION CONDITIONS ON AVAIL-*
 6 *ABILITY OF FUNDING.*—*Notwithstanding sub-*
 7 *paragraph (J), no amount is authorized to be*
 8 *appropriated for payments by the Secretary of*
 9 *the Treasury in accordance with subparagraph*
 10 *(D) for any fiscal year unless the Chairperson of*
 11 *the Board of Directors certifies to the Congress,*
 12 *at any time before the beginning of or during*
 13 *such fiscal year, that—*

14 “(i) *such amount is needed to pay for*
 15 *losses which can reasonably be expected to*
 16 *be incurred by the Savings Association In-*
 17 *surance Fund during such year;*

18 “(ii) *the Board of Directors has deter-*
 19 *mined that—*

20 “(I) *Savings Association Insur-*
 21 *ance Fund members, in the aggregate,*
 22 *are unable to pay additional semi-*
 23 *annual assessments under section 7(b)*
 24 *during such year at the assessment*
 25 *rates which would be required in order*

1 to cover, from such additional assess-
2 ments, losses incurred by the Fund
3 during such year; and

4 “(II) an increase in the assess-
5 ment rates for Savings Association In-
6 surance Fund members to cover such
7 losses could reasonably be expected to
8 result in greater losses to the Govern-
9 ment (through an increase in the num-
10 ber of institutions in default);

11 “(iii) the Board of Directors has deter-
12 mined that—

13 “(I) Savings Association Insur-
14 ance Fund members, in the aggregate,
15 are unable to pay additional semi-
16 annual assessments under section 7(b)
17 during such year at the assessment
18 rates which would be required in order
19 to meet the repayment schedule re-
20 quired under section 14(c) for any
21 amount borrowed under section 14(a)
22 to cover losses incurred by the Fund
23 during such year; and

24 “(II) an increase in the assess-
25 ment rates for Savings Association In-

1 *urance Fund members to meet any*
2 *such repayment schedule could reason-*
3 *ably be expected to result in greater*
4 *losses to the Government (through an*
5 *increase in the number of institutions*
6 *in default);*

7 “(iv) as of the date of certification, the
8 *Corporation has in effect procedures de-*
9 *signed to ensure that the activities of the*
10 *Savings Association Insurance Fund and*
11 *the affairs of any Savings Association In-*
12 *urance Fund member for which a conserva-*
13 *tor or receiver has been appointed are con-*
14 *ducted in an efficient manner and the Cor-*
15 *poration is in compliance with such proce-*
16 *dures; and*

17 “(v) with respect to the most recent
18 *audit of the Savings Association Insurance*
19 *Fund by the Comptroller General of the*
20 *United States before the date of the certifi-*
21 *cation—*

22 “(I) the Corporation has taken or
23 *is taking appropriate action to imple-*
24 *ment any recommendation made by*
25 *the Comptroller General; or*

1 “(II) *no corrective action is nec-*
2 *essary or appropriate as a result of*
3 *such audit.*”.

4 (c) *AVAILABILITY OF UNEXPENDED RTC FUNDING*
5 *FOR SAIF.*—Section 11(a)(6)(F) of the Federal Deposit In-
6 *surance Act (12 U.S.C. 1821(a)(6)(F)) is amended to read*
7 *as follows:*

8 “(F) *AVAILABILITY OF RTC FUNDING.*—At
9 *any time before the end of the 2-year period be-*
10 *ginning on the date of the termination of the*
11 *Resolution Trust Corporation, the Secretary of*
12 *the Treasury shall provide, out of funds appro-*
13 *priated to the Resolution Trust Corporation pur-*
14 *suant to section 21A(i)(3) of the Federal Home*
15 *Loan Bank Act and not expended by the Resolu-*
16 *tion Trust Corporation, to the Savings Associa-*
17 *tion Insurance Fund for any year such amounts*
18 *as are needed by the Fund and are not needed*
19 *by the Resolution Trust Corporation if the*
20 *Chairperson of the Board of Directors has cer-*
21 *tified to the Congress that—*

22 “(i) *such amounts are needed by the*
23 *Savings Association Insurance Fund;*

24 “(ii) *any amount transferred shall be*
25 *used only for losses incurred by the Fund;*

1 “(iii) the Board of Directors has deter-
2 mined that—

3 “(I) Savings Association Insur-
4 ance Fund members, in the aggregate,
5 are unable to pay additional semi-
6 annual assessments under section 7(b)
7 during such year at the assessment
8 rates which would be required in order
9 to cover, from such additional assess-
10 ments, losses incurred by the Fund
11 during such year; and

12 “(II) an increase in the assess-
13 ment rates for Savings Association In-
14 surance Fund members to cover such
15 losses could reasonably be expected to
16 result in greater losses to the Govern-
17 ment (through an increase in the num-
18 ber of institutions in default); and

19 “(iv) the Board of Directors has deter-
20 mined that—

21 “(I) Savings Association Insur-
22 ance Fund members, in the aggregate,
23 are unable to pay additional semi-
24 annual assessments under section 7(b)
25 during such year at the assessment

1 *rates which would be required in order*
 2 *to meet the repayment schedule re-*
 3 *quired under section 14(c) for any*
 4 *amount borrowed under section 14(a)*
 5 *to cover losses incurred by the Fund*
 6 *during such year; and*

7 *“(II) an increase in the assess-*
 8 *ment rates for Savings Association In-*
 9 *surance Fund members to meet any*
 10 *such repayment schedule could reason-*
 11 *ably be expected to result in greater*
 12 *losses to the Government (through an*
 13 *increase in the number of institutions*
 14 *in default).”.*

15 *(d) APPEARANCES BEFORE THE BANKING COMMIT-*
 16 *TEES.—Section 11(a)(6)(H) of the Federal Deposit Insur-*
 17 *ance Act (12 U.S.C. 1821(a)(6)(H)) is amended to read as*
 18 *follows:*

19 *“(H) APPEARANCE UPON REQUEST.—The*
 20 *Secretary of the Treasury and the Chairperson of*
 21 *the Board of Directors of the Federal Deposit In-*
 22 *surance Corporation shall appear before the*
 23 *Committee on Banking, Finance and Urban Af-*
 24 *fairs of the House of Representatives and the*
 25 *Committee on Banking, Housing, and Urban Af-*

1 *fairs of the Senate, upon the request of the chair-*
 2 *man of the respective committee, to report on*
 3 *any certification made to the Congress under*
 4 *subparagraph (E) or (F).”.*

5 (e) *AMENDMENTS TO AUTHORIZATION OF APPROPRIA-*
 6 *TION.—Section 11(a)(6)(J) of the Federal Deposit Insur-*
 7 *ance Act (12 U.S.C. 1821(a)(6)(J)) is amended—*

8 (1) *by striking “There are” and inserting “Sub-*
 9 *ject to subparagraph (E), there are”;* and

10 (2) *by striking “of this paragraph, except” and*
 11 *all that follows through the period and inserting the*
 12 *following: “of subparagraph (D) for fiscal years 1994*
 13 *through 1998, except that the aggregate amount ap-*
 14 *propriated pursuant to this authorization may not*
 15 *exceed \$8,000,000,000.”.*

16 (f) *RETURN OF TRANSFERRED AND UNEXPENDED*
 17 *AMOUNTS TO TREASURY.—Section 11(a)(6) of the Federal*
 18 *Deposit Insurance Act (12 U.S.C. 1821(a)(6)) is amended*
 19 *by adding at the end the following new subparagraph:*

20 “(K) *RETURN TO TREASURY.—If the aggre-*
 21 *gate amount of funds transferred to the Savings*
 22 *Association Insurance Fund under subparagraph*
 23 *(D) or (F) exceeds the amount needed to cover*
 24 *losses incurred by the Fund, such excess amount*

1 *shall be deposited in the general fund of the*
 2 *Treasury.”.*

3 (g) *TECHNICAL AND CONFORMING AMENDMENTS.—*

4 (1) *Section 11(a)(6)(G) of the Federal Deposit*
 5 *Insurance Act (12 U.S.C. 1821(a)(6)(G)) is amended*
 6 *by striking “subparagraphs (E) and (F)” and insert-*
 7 *ing “subparagraph (D)”.*

8 (2) *The heading of section 11(a)(6)(G) of the*
 9 *Federal Deposit Insurance Act (12 U.S.C.*
 10 *1821(a)(6)(G)) is amended by striking “SUBPARA-*
 11 *GRAPHS (E) AND (F)” and inserting “SUBPARAGRAPH*
 12 *(D)”.*

13 **SEC. 9. MORATORIUM EXTENSION.**

14 (a) *CONVERSION MORATORIUM UNTIL SAIF RECAPI-*
 15 *TALIZED.—Section 5(d)(2)(A)(ii) of the Federal Deposit In-*
 16 *surance Act is amended—*

17 (1) *by striking “before the end” and inserting*
 18 *“before the later of the end”; and*

19 (2) *by inserting “or the date on which the Sav-*
 20 *ings Association Insurance Fund first meets or ex-*
 21 *ceeds the designated reserve ratio for such fund” be-*
 22 *fore the period.*

23 (b) *CLARIFICATION OF DEFINITION.—Section*
 24 *5(d)(2)(B) of the Federal Deposit Insurance Act (12 U.S.C.*
 25 *1815(d)(2)(B)) is amended—*

1 (1) *by striking the period at the end of clause*
 2 *(iv) and inserting “; and”; and*

3 (2) *by adding at the end the following new*
 4 *clause:*

5 “(v) *the transfer of deposits—*

6 *“(I) from a Bank Insurance Fund*
 7 *member to a Savings Association In-*
 8 *surance Fund member; or*

9 *“(II) from a Savings Association*
 10 *Insurance Fund member to a Bank In-*
 11 *surance Fund member,*

12 *in a transaction in which the deposit is re-*
 13 *ceived from a depositor at an insured depos-*
 14 *itory institution for which a receiver has*
 15 *been appointed and the receiving insured*
 16 *depository institution is acting as agent for*
 17 *the Corporation in connection with the pay-*
 18 *ment of such deposit to the depositor at the*
 19 *institution for which a receiver has been ap-*
 20 *pointed.”.*

21 (c) *TECHNICAL AND CONFORMING AMENDMENTS.—*
 22 *Clauses (ii) and (iii) of section 5(d)(2)(C) of the Federal*
 23 *Deposit Insurance Act and section 5(d)(3)(I)(i) of such Act*
 24 *are each amended by striking “5-year period referred to in”*
 25 *and inserting “moratorium period established by”.*

1 **SEC. 10. REPAYMENT SCHEDULE FOR PERMANENT FDIC**
 2 **BORROWING AUTHORITY.**

3 *Section 14(c) of the Federal Deposit Insurance Act (12*
 4 *U.S.C. 1824(c)) is amended by adding the following new*
 5 *paragraph:*

6 “(3) *INDUSTRY REPAYMENT.*—

7 “(A) *BIF MEMBER PAYMENTS.*—No agree-
 8 *ment or repayment schedule under paragraph*
 9 *(1) shall require any payment by a Bank Insur-*
 10 *ance Fund member for funds obtained under*
 11 *subsection (a) for purposes of the Savings Asso-*
 12 *ciation Fund.*

13 “(B) *SAIF MEMBER PAYMENTS.*—No agree-
 14 *ment or repayment schedule under paragraph*
 15 *(1) shall require any payment by a Savings As-*
 16 *sociation Insurance Fund member for funds ob-*
 17 *tained under subsection (a) for purposes of the*
 18 *Bank Insurance Fund.”.*

19 **SEC. 11. DEPOSIT INSURANCE FUNDS.**

20 *Section 11(a)(4) of the Federal Deposit Insurance Act*
 21 *(12 U.S.C. 1821(a)(4)) is amended—*

22 *(1) by striking “and” at the end of subpara-*
 23 *graph (B);*

24 *(2) in subparagraph (C) by striking the period*
 25 *and inserting “; and”; and*

(3) by adding at the end the following new subparagraph:

“(D) notwithstanding any other provision of law other than section 13(c)(4)(G), used only for the purposes of protecting insured depositors and shall not be used in any manner to benefit shareholders of an insured depository institution in connection with any type of resolution by the Corporation or the Resolution Trust Corporation of any insured depository institution for which the Corporation or the Resolution Trust Corporation has been appointed conservator or receiver or any other insured depository institution in default under any provision of law, or the provision of assistance in any form under this section or section 12 or 13.”.

SEC. 12. MAXIMUM DOLLAR LIMITS FOR ELIGIBLE CONDOMINIUM AND SINGLE FAMILY PROPERTIES UNDER RTC AFFORDABLE HOUSING PROGRAM.

Section 21A(c)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(9)) is amended—

(1) in subparagraph (D), by striking clause (ii) and inserting the following new clause:

1 “(ii) that has an appraised value that
2 does not exceed—

3 “(I) \$67,500 in the case of a 1-
4 family residence, \$76,000 in the case of
5 a 2-family residence, \$92,000 in the
6 case of a 3-family residence, and
7 \$107,000 in the case of a 4-family resi-
8 dence; or

9 “(II) only to the extent or in such
10 amounts as are provided in appropria-
11 tion Acts for additional costs and losses
12 to the Corporation resulting from this
13 subclause taking effect, the amount
14 provided in section 203(b)(2)(A) of the
15 National Housing Act, except that such
16 amount shall not exceed \$101,250 in
17 the case of a 1-family residence,
18 \$114,000 in the case of a 2-family resi-
19 dence, \$138,000 in the case of a 3-fam-
20 ily residence, and \$160,500 in the case
21 of a 4-family residence.”; and

22 (2) in subparagraph (G)—

23 (A) by moving subclause (I) two ems to the
24 left and redesignating such subclause as clause
25 (i); and

1 (B) by striking subclause (II) and inserting
2 the following new clause:

3 “(ii) that has an appraised value that
4 does not exceed—

5 “(I) \$67,500 in the case of a 1-
6 family residence, \$76,000 in the case of
7 a 2-family residence, \$92,000 in the
8 case of a 3-family residence, and
9 \$107,000 in the case of a 4-family resi-
10 dence; or

11 “(II) only to the extent or in such
12 amounts as are provided in appropria-
13 tion Acts for additional costs and losses
14 to the Corporation resulting from this
15 subclause taking effect, the amount
16 provided in section 203(b)(2)(A) of the
17 National Housing Act, except that such
18 amount shall not exceed \$101,250 in
19 the case of a 1-family residence,
20 \$114,000 in the case of a 2-family resi-
21 dence, \$138,000 in the case of a 3-fam-
22 ily residence, and \$160,500 in the case
23 of a 4-family residence.”.

1 **SEC. 13. CHANGES AFFECTING ONLY FDIC AFFORDABLE**
2 **HOUSING PROGRAM.**

3 (a) *INCLUSION OF SUBSIDIARIES' PROPERTIES IN*
4 *PROGRAM.*—Section 40(p) of the Federal Deposit Insurance
5 Act (12 U.S.C. 1831q(p)) is amended in paragraphs (4)(A),
6 (5)(A), and (7)(A), by inserting before “; and” each place
7 it appears the following: “(including in its capacity as the
8 sole owner of a subsidiary corporation of a depository insti-
9 tution under conservatorship or receivership, which subsidi-
10 ary has as its principal business the ownership of real
11 property)”.

12 (b) *IMPLEMENTATION OF PROGRAM.*— Notwithstand-
13 ing any provisions of section 40 of the Federal Deposit In-
14 surance Act or any other provision of law, in carrying out
15 such section 40 during fiscal year 1994 the Federal Deposit
16 Insurance Corporation shall be deemed in compliance with
17 such section if, in its sole discretion, the Corporation at
18 any time modifies, amends, or waives any provisions of
19 such section in order to maximize the efficient use of the
20 available appropriated funds. The Corporation shall not be
21 subject to suit for its failure to comply with the require-
22 ments of this provision or section 40 of the Federal Deposit
23 Insurance Act in carrying out such section 40 during fiscal
24 year 1994.

1 **SEC. 14. CHANGES AFFECTING BOTH RTC AND FDIC**
 2 **AFFORDABLE HOUSING PROGRAMS.**

3 (a) *NOTICE TO CLEARINGHOUSES REGARDING PROP-*
 4 *ERTIES NOT INCLUDED IN PROGRAMS.*—

5 (1) *RTC.*—*Section 21A(c) of the Federal Home*
 6 *Loan Bank Act (12 U.S.C. 1441a(c)) is amended by*
 7 *adding at the end the following new paragraph:*

8 “(16) *NOTICE TO CLEARINGHOUSES REGARDING*
 9 *INELIGIBLE PROPERTIES.*—

10 “(A) *IN GENERAL.*—*Within a reasonable pe-*
 11 *riod of time after acquiring title to an ineligible*
 12 *residential property, the Corporation shall pro-*
 13 *vide written notice to clearinghouses.*

14 “(B) *CONTENT.*—*For ineligible single fam-*
 15 *ily properties, such notice shall contain the same*
 16 *information about such properties that the notice*
 17 *required under paragraph (2)(A) contains with*
 18 *respect to eligible single family properties. For*
 19 *ineligible multifamily housing properties, such*
 20 *notice shall contain the same information about*
 21 *such properties that the notice required under*
 22 *paragraph (3)(A) contains with respect to eligi-*
 23 *ble multifamily housing properties. For ineligible*
 24 *condominium properties, such notice shall con-*
 25 *tain the same information about such properties*
 26 *that the notice required under paragraph (14)(A)*

1 *contains with respect to eligible condominium*
 2 *properties.*

3 “(C) *AVAILABILITY.*—*The clearinghouses*
 4 *shall make such information available, upon re-*
 5 *quest, to other public agencies, other nonprofit*
 6 *organizations, qualifying households, qualifying*
 7 *multifamily purchasers, and other purchasers, as*
 8 *appropriate.*

9 “(D) *DEFINITIONS.*—*For purposes of this*
 10 *paragraph:*

11 “(i) *INELIGIBLE CONDOMINIUM PROP-*
 12 *ERTY.*—*The term ‘ineligible condominium*
 13 *property’ means a condominium unit, as*
 14 *such term is defined in section 604 of the*
 15 *Housing and Community Development Act*
 16 *of 1980—*

17 “(I) *to which the Corporation ac-*
 18 *quires title in its corporate capacity,*
 19 *its capacity as conservator, or its ca-*
 20 *capacity as receiver (including its capac-*
 21 *ity as the sole owner of a subsidiary*
 22 *corporation of a depository institution*
 23 *under conservatorship or receivership,*
 24 *which subsidiary corporation has as its*

1 *principal business the ownership of*
 2 *real property);*

3 “(II) *that has an appraised value*
 4 *that does not exceed the applicable dol-*
 5 *lar amount limitation for the property*
 6 *under paragraph (9)(D)(ii)(II); and*

7 “(III) *that is not an eligible con-*
 8 *dominium property.*

9 “(ii) *INELIGIBLE MULTIFAMILY HOUS-*
 10 *ING PROPERTY.—The term ‘ineligible multi-*
 11 *family housing property’ means a property*
 12 *consisting of more than 4 dwelling units—*

13 “(I) *to which the Corporation ac-*
 14 *quires title in its capacity as conserva-*
 15 *tor (including its capacity as the sole*
 16 *owner of a subsidiary corporation of a*
 17 *depository institution under*
 18 *conservatorship, which subsidiary cor-*
 19 *poration has as its principal business*
 20 *the ownership of real property);*

21 “(II) *that has an appraised value*
 22 *that does not exceed, for such part of*
 23 *the property as may be attributable to*
 24 *dwelling use (excluding exterior land*
 25 *improvements), the dollar amount lim-*

1 *itations under paragraph (9)(E)(i)(II);*
2 *and*

3 *“(III) that is not an eligible mul-*
4 *tifamily housing property.*

5 *“(iii) INELIGIBLE SINGLE FAMILY*
6 *PROPERTY.—The term ‘ineligible single*
7 *family property’ means a 1- to 4-family*
8 *residence (including a manufactured*
9 *home)—*

10 *“(I) to which the Corporation ac-*
11 *quires title in its corporate capacity,*
12 *its capacity as conservator, or its ca-*
13 *capacity as receiver (including its capac-*
14 *ity as the sole owner of a subsidiary*
15 *corporation of a depository institution*
16 *under conservatorship or receivership,*
17 *which subsidiary corporation has as its*
18 *principal business the ownership of*
19 *real property);*

20 *“(II) that has an appraised value*
21 *that does not exceed the applicable dol-*
22 *lar amount limitation for the property*
23 *under paragraph (9)(G)(ii)(II); and*

24 *“(III) that is not an eligible sin-*
25 *gle family property.*

1 “(iv) *INELIGIBLE RESIDENTIAL PROP-*
 2 *ERTY.*—The term ‘ineligible residential
 3 property’ includes ineligible single family
 4 properties, ineligible multifamily housing
 5 properties, and ineligible condominium
 6 properties.”.

7 (2) *FDIC.*—Section 40 of the Federal Deposit
 8 Insurance Act (12 U.S.C. 1831q) is amended by add-
 9 ing at the end the following new subsection:

10 “(q) *NOTICE TO CLEARINGHOUSES REGARDING INELI-*
 11 *GIBLE PROPERTIES.*—

12 “(1) *IN GENERAL.*—Within a reasonable period
 13 of time after acquiring title to an ineligible residen-
 14 tial property, the Corporation shall provide written
 15 notice to clearinghouses.

16 “(2) *CONTENT.*—For ineligible single family
 17 properties, such notice shall contain the same infor-
 18 mation about such properties that the notice required
 19 under subsection (c)(1) contains with respect to eligi-
 20 ble single family properties. For ineligible multifam-
 21 ily housing properties, such notice shall contain the
 22 same information about such properties that the no-
 23 tice required under subsection (d)(1) contains with re-
 24 spect to eligible multifamily housing properties. For
 25 ineligible condominium properties, such notice shall

1 *contain the same information about such properties*
 2 *that the notice required under paragraph (l)(1) con-*
 3 *tains with respect to eligible condominium properties.*

4 “(3) *AVAILABILITY.*—*The clearinghouses shall*
 5 *make such information available, upon request, to*
 6 *other public agencies, other nonprofit organizations,*
 7 *qualifying households, qualifying multifamily pur-*
 8 *chasers, and other purchasers, as appropriate.*

9 “(4) *DEFINITIONS.*—*For purposes of this sub-*
 10 *section:*

11 “(A) *INELIGIBLE CONDOMINIUM PROP-*
 12 *ERTY.*—*The term ‘ineligible condominium prop-*
 13 *erty’ means any eligible condominium property*
 14 *to which the provisions of this section do not*
 15 *apply as a result of the limitations under sub-*
 16 *section (b)(2)(A).*

17 “(B) *INELIGIBLE MULTIFAMILY HOUSING*
 18 *PROPERTY.*—*The term ‘ineligible multifamily*
 19 *housing property’ means any eligible multifam-*
 20 *ily housing property to which the provisions of*
 21 *this section do not apply as a result of the limi-*
 22 *tations under subsection (b)(2)(A).*

23 “(C) *INELIGIBLE SINGLE FAMILY PROP-*
 24 *ERTY.*—*The term ‘ineligible single family prop-*
 25 *erty’ means any eligible single family property*

1 to which the provisions of this section do not
 2 apply as a result of the limitations under sub-
 3 section (b)(2)(A).

4 “(D) *INELIGIBLE RESIDENTIAL PROP-*
 5 *ERTY.*—The term ‘ineligible residential property’
 6 includes ineligible single family properties, ineli-
 7 gible multifamily housing properties, and ineli-
 8 gible condominium properties.”.

9 (b) *PREFERENCE FOR USE FOR HOMELESS FAMI-*
 10 *LIES.*—

11 (1) *RTC.*—Section 21A(c)(5) of the Federal
 12 Home Loan Bank Act (12 U.S.C. 1441a(c)(5)) is
 13 amended—

14 (A) by striking “(5) *PREFERENCE FOR*
 15 *SALES.*—When” and inserting the following:

16 “(5) *PREFERENCES FOR SALES.*—

17 “(A) *LOW-INCOME USE.*—When”; and

18 (B) by adding at the end the following new
 19 subparagraph:

20 “(B) *USE FOR HOMELESS FAMILIES.*—In
 21 selling any eligible residential property, the Cor-
 22 poration shall give preference, among offers to
 23 purchase the property that will result in the
 24 same net present value proceeds, to any offer to
 25 purchase the property for use in providing hous-

1 *ing or shelter for homeless individuals (as such*
 2 *term is defined in section 103 of the Stewart B.*
 3 *McKinney Homeless Assistance Act) or homeless*
 4 *families.”.*

5 (2) FDIC.—Section 40(f) of the Federal Deposit
 6 Insurance Act (12 U.S.C. 1831q(f)) is amended—

7 (A) in paragraph (1), by striking “IN GEN-
 8 ERAL” and inserting “LOW-INCOME USE”; and

9 (B) by adding at the end the following new
 10 paragraph:

11 “(4) USE FOR HOMELESS FAMILIES.—In selling
 12 any eligible residential property, the Corporation
 13 shall give preference, among offers to purchase the
 14 property that will result in the same net present value
 15 proceeds, to any offer to purchase the property for use
 16 in providing housing or shelter for homeless individ-
 17 uals (as such term is defined in section 103 of the
 18 Stewart B. McKinney Homeless Assistance Act) or
 19 homeless families.”.

20 (c) AFFORDABLE HOUSING ADVISORY BOARD.—

21 (1) ESTABLISHMENT.—There is hereby estab-
 22 lished the Affordable Housing Advisory Board (in this
 23 subsection referred to as the “Advisory Board”) to ad-
 24 vise the Thrift Depositor Protection Oversight Board
 25 and the Board of Directors of the Federal Deposit In-

1 *urance Corporation on policies and programs related*
2 *to the provision of affordable housing, including the*
3 *operation of the affordable programs.*

4 (2) *MEMBERSHIP.—The Advisory Board shall*
5 *consist of—*

6 (A) *the Secretary of Housing and Urban*
7 *Development;*

8 (B) *the Chairperson of the Board of Direc-*
9 *tors of the Federal Deposit Insurance Corpora-*
10 *tion (or the Chairperson’s delegate), who shall be*
11 *a nonvoting member;*

12 (C) *the Chairperson of the Thrift Depositor*
13 *Protection Oversight Board (or the Chairperson’s*
14 *delegate), who shall be a nonvoting member;*

15 (D) *4 persons appointed by the Secretary of*
16 *Housing and Urban Development not later than*
17 *the expiration of the 90-day period beginning on*
18 *the date of the enactment of this Act, who rep-*
19 *resent the interests of individuals and organiza-*
20 *tions involved in using the affordable housing*
21 *programs (including nonprofit organizations,*
22 *public agencies, and for-profit organizations that*
23 *purchase properties under the affordable housing*
24 *programs, organizations that provide technical*
25 *assistance regarding the affordable housing pro-*

grams, and organizations that represent the interest of low- and moderate-income families); and

(E) 2 persons who are members of the National Housing Advisory Board pursuant to section 21A(d)(2)(B)(ii) of the Federal Home Loan Bank Act (as in effect before the date of the effectiveness of the repeal under subsection (c)(2)), who shall be appointed by such Board before such effective date.

(3) *TERMS.*—Each member shall be appointed for a term of 4 years, except as provided in paragraphs (4) and (5).

(4) *TERMS OF INITIAL APPOINTEES.*—

(A) *PERMANENT POSITIONS.*—As designated by the Secretary of Housing and Urban Development at the time of appointment, of the members first appointed under paragraph (2)(D)—

(i) 1 shall be appointed for a term of 1 year;

(ii) 1 shall be appointed for a term of 2 years;

(iii) 1 shall be appointed for a term of 3 years; and

1 (iv) 1 shall be appointed for a term of
2 4 years.

3 (B) *INTERIM MEMBERS.*—The members of
4 the Advisory Board under paragraph (2)(E)
5 shall be appointed for a single term of 4 years,
6 which shall begin upon the earlier of (i) the expi-
7 ration of the 90-day period beginning on the
8 date of the enactment of this Act, or (ii) the first
9 meeting of the Advisory Board.

10 (5) *VACANCIES.*—Any member appointed to fill a
11 vacancy occurring before the expiration of the term
12 for which the member's predecessor was appointed
13 shall be appointed only for the remainder of that
14 term. A member may serve after the expiration of that
15 member's term until a successor has taken office. A
16 vacancy in the Commission shall be filled in the man-
17 ner in which the original appointment was made.

18 (6) *MEETINGS.*—

19 (A) *TIMING AND LOCATION.*—The Advisory
20 Board shall meet 4 times a year, or more fre-
21 quently if requested by the Thrift Depositor Pro-
22 tection Oversight Board or the Board of Direc-
23 tors of the Federal Deposit Insurance Corpora-
24 tion. In each year, the Advisory Board shall con-
25 duct such meetings at various locations in dif-

1 *ferent regions of the United States in which sub-*
 2 *stantial residential property assets of the Federal*
 3 *Deposit Insurance Corporation or the Resolution*
 4 *Trust Corporation are located. The first meeting*
 5 *of the Advisory Board shall take place not later*
 6 *than the expiration of the 90-day period begin-*
 7 *ning on the date of the enactment of this Act.*

8 (B) *ADVICE.*—*The Advisory Board shall*
 9 *submit information and advice resulting from*
 10 *each meeting, in such form as the Board consid-*
 11 *ers appropriate, to the Thrift Depositor Protec-*
 12 *tion Oversight Board and the Board of Directors*
 13 *of the Federal Deposit Insurance Corporation.*

14 (7) *ANNUAL REPORTS.*—*For each year, the Advi-*
 15 *sory Board shall submit a report containing its find-*
 16 *ings and recommendations to the Congress, the Fed-*
 17 *eral Deposit Insurance Corporation, and the Resolu-*
 18 *tion Trust Corporation. The first such report shall be*
 19 *made not later than the expiration of the 6-month pe-*
 20 *riod beginning on the date of the enactment of this*
 21 *Act.*

22 (8) *DEFINITION.*—*For purposes of this sub-*
 23 *section, the term “affordable housing programs”*
 24 *means the program under section 21A(c) of the Fed-*

1 *eral Home Loan Bank Act and the program under*
 2 *section 40 of the Federal Deposit Insurance Act.*

3 *(d) TERMINATION OF NATIONAL HOUSING ADVISORY*
 4 *BOARD.—*

5 *(1) TERMINATION.—The National Housing Advi-*
 6 *sory Board under section 21A(d)(2) of the Federal*
 7 *Home Loan Bank Act shall terminate upon the expi-*
 8 *ration of the 90-day period beginning on the date of*
 9 *the enactment of this Act.*

10 *(2) REPEAL.—Paragraph (2) of section 21A(d)*
 11 *of the Federal Home Loan Bank Act is repealed upon*
 12 *the expiration of the period referred to in paragraph*
 13 *(1).*

14 *(e) PROVISION OF INFORMATION REGARDING SELLER*
 15 *FINANCING TO MINORITY- AND WOMEN-OWNED BUSI-*
 16 *NESSES.—*

17 *(1) RTC.—Section 21A(c)(6)(A)(ii) of the Fed-*
 18 *eral Home Loan Bank Act is amended by adding at*
 19 *the end the following new sentences: “The Corporation*
 20 *shall periodically provide, to a wide range of*
 21 *minority- and women-owned businesses engaged in*
 22 *providing affordable housing and to nonprofit organi-*
 23 *zations, more than 50 percent of the control of which*
 24 *are held by 1 or more minority individuals, that are*
 25 *engaged in providing affordable housing, information*

1 *that is sufficient to inform such businesses and orga-*
 2 *nizations of the availability and terms of financing*
 3 *under this clause; such information may be provided*
 4 *directly, by notices published in periodicals and other*
 5 *publications that regularly provide information to*
 6 *such businesses or organizations, and through persons*
 7 *and organizations that regularly provide information*
 8 *or services to such businesses or organizations. For*
 9 *purposes of this clause, the terms ‘women-owned busi-*
 10 *ness’ and ‘minority-owned business’ have the mean-*
 11 *ings given such terms in subsection (r), and the term*
 12 *‘minority’ has the meaning given such term in section*
 13 *1204(c)(3) of the Financial Institutions Reform, Re-*
 14 *covery, and Enforcement Act of 1989.’.*

15 (2) *FDIC.—Section 40(g)(1)(B) of the Federal*
 16 *Deposit Insurance Act (12 U.S.C. 1831q(g)(1)(B)) is*
 17 *amended by adding at the end the following new sen-*
 18 *tences: “The Corporation shall periodically provide, to*
 19 *a wide range of minority- and women-owned busi-*
 20 *nesses engaged in providing affordable housing and to*
 21 *nonprofit organizations, more than 50 percent of the*
 22 *control of which are held by 1 or more minority indi-*
 23 *viduals, that are engaged in providing affordable*
 24 *housing, information that is sufficient to inform such*
 25 *businesses and organizations of the availability and*

1 *terms of financing under this subparagraph; such in-*
 2 *formation may be provided directly, by notices pub-*
 3 *lished in periodicals and other publications that regu-*
 4 *larly provide information to such businesses or orga-*
 5 *nizations, and through persons and organizations*
 6 *that regularly provide information or services to such*
 7 *businesses or organizations. For purposes of this sub-*
 8 *paragraph, the terms ‘women-owned business’ and*
 9 *‘minority-owned business’ have the meanings given*
 10 *such terms in section 21A(r) of the Federal Home*
 11 *Loan Bank Act, and the term ‘minority’ has the*
 12 *meaning given such term in section 1204(c)(3) of the*
 13 *Financial Institutions Reform, Recovery, and En-*
 14 *forcement Act of 1989.’.*

15 *(f) AUTHORITY TO CARRY OUT UNIFIED AFFORDABLE*
 16 *HOUSING PROGRAM.—*

17 *(1) RTC.—Section 21A(c) of the Federal Home*
 18 *Loan Bank Act (12 U.S.C. 1441a(c)), as amended by*
 19 *the preceding provisions of this Act, is further amend-*
 20 *ed by adding at the end the following new paragraph:*

21 *“(17) UNIFIED AFFORDABLE HOUSING PROGRAM*
 22 *WITH FDIC.—*

23 *“(A) RTC AUTHORITY.—During the period*
 24 *ending at the end of September 30, 1994, the*
 25 *Corporation shall have the authority and shall*

1 *carry out the responsibilities of the Federal De-*
2 *posit Insurance Corporation under section 40 of*
3 *the Federal Deposit Insurance Act, subject to the*
4 *agreement under subparagraph (B). To the ex-*
5 *tent practicable, the Resolution Trust Corpora-*
6 *tion shall coordinate its activities under this*
7 *subsection with activities involved in carrying*
8 *out such responsibilities to provide for effective*
9 *and efficient management and operation of all*
10 *such activities.*

11 “(B) *AGREEMENT AND CONSULTATION.—*
12 *Not later than 60 days after the date of the en-*
13 *actment of this Act, the Resolution Trust Cor-*
14 *poration and the Federal Deposit Insurance Cor-*
15 *poration shall enter into an agreement for the*
16 *Resolution Trust Corporation to carry out the*
17 *responsibilities described in subparagraph (A)*
18 *during the period referred to in such subpara-*
19 *graph. Such agreement shall provide—*

20 “(i) *for the Resolution Trust Corpora-*
21 *tion to act as a contractor of the Federal*
22 *Deposit Insurance Corporation for the pur-*
23 *pose of carrying out such responsibilities of*
24 *the Federal Deposit Insurance Corporation;*

1 “(ii) for the payment of fees for admin-
 2 istrative costs incurred by the Resolution
 3 Trust Corporation in carrying out such re-
 4 sponsibilities;

5 “(iii) a method for determining the ex-
 6 tent to which the provisions of section 40 of
 7 the Federal Deposit Insurance Act shall be
 8 effective, in accordance with the limitations
 9 under subsection (b)(2) of such section;

10 “(iv) for the disposition of proceeds
 11 from the sales of properties under such sec-
 12 tion 40; and

13 “(v) a method for making seller financ-
 14 ing available to purchasers of properties, in
 15 accordance to the provisions of section
 16 40(g)(1) of such Act.

17 The Resolution Trust Corporation shall consult
 18 with the Affordable Housing Advisory Board
 19 under section 13(c) of the Resolution Trust Cor-
 20 poration Completion Act in preparing to carry
 21 out such responsibilities.

22 “(B) TRANSFER TO FDIC.—On and after
 23 October 1, 1994, the authority and responsibil-
 24 ities of the Resolution Trust Corporation under
 25 this subsection shall be carried out by the Fed-

1 *eral Deposit Insurance Corporation. Beginning*
 2 *not later than April 1, 1994, the Resolution*
 3 *Trust Corporation shall consult with the Federal*
 4 *Deposit Insurance Corporation and such Advi-*
 5 *sory Board to prepare for the Federal Deposit*
 6 *Insurance Corporation to carry out such author-*
 7 *ity and responsibilities.”.*

8 *(2) FDIC.—Section 40(n) of the Federal Deposit*
 9 *Insurance Act (12 U.S.C. 1831q(n)) is amended to*
 10 *read as follows:*

11 *“(n) RESPONSIBILITY TO CARRY OUT PROGRAM.—*

12 *“(1) AFFORDABLE HOUSING PROGRAM OFFICE.—*
 13 *The Corporation shall establish an Affordable Hous-*
 14 *ing Program Office within the Corporation to carry*
 15 *out the provisions of this section after October 1,*
 16 *1994, and to carry out the provisions of section*
 17 *21A(c) of the Federal Home Loan Bank Act after*
 18 *such date with respect to any eligible residential*
 19 *properties and eligible condominium properties under*
 20 *such section not disposed of by the Resolution Trust*
 21 *Corporation before such date. The Federal Deposit In-*
 22 *surance Corporation shall dedicate certain staff of the*
 23 *Corporation to the Office and shall consult with the*
 24 *Resolution Trust Corporation and the Affordable*
 25 *Housing Advisory Board under section 13(c) of the*

1 *Resolution Trust Corporation Completion Act in car-*
 2 *rying out its responsibilities. Beginning not later*
 3 *than April 1, 1994, the Federal Deposit Insurance*
 4 *Corporation shall consult with the Resolution Trust*
 5 *Corporation and such Advisory Board to prepare for*
 6 *the Affordable Housing Program Office of the Federal*
 7 *Deposit Insurance Corporation to carry out the au-*
 8 *thority and responsibilities of the Resolution Trust*
 9 *Corporation under such section 21A(c).*

10 “(2) *UNIFIED AFFORDABLE HOUSING PROGRAM*
 11 *WITH RTC.—During the period ending at the end of*
 12 *September 30, 1994, the authority and responsibilities*
 13 *of the Corporation under this section shall be carried*
 14 *out by the Resolution Trust Corporation pursuant to*
 15 *the agreement entered into under section*
 16 *21A(c)(17)(B) of the Federal Home Loan Bank Act*
 17 *by the Federal Deposit Insurance Corporation and*
 18 *the Resolution Trust Corporation.”.*

19 *(g) LIABILITY PROVISIONS.—*

20 *(1) RTC.—Section 21A(c)(11) of the Federal*
 21 *Home Loan Bank Act (12 U.S.C. 1441a(c)(11)) is*
 22 *amended by adding at the end the following new sub-*
 23 *paragraph:*

24 “(D) *CORPORATION.—The Corporation shall*
 25 *not be liable to any depositor, creditor, or share-*

holder of any insured depository institution for which the Corporation has been appointed receiver, or of any subsidiary corporation of a depository institution under conservatorship or receivership, or any claimant against such an institution or subsidiary, because the disposition of assets of the institution or the subsidiary under this subsection affects the amount of return from the assets.”.

(2) FDIC.—Section 40(m)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(m)(4)) is amended—

(A) by inserting after “receiver,” the following: “or of any subsidiary corporation of a depository institution under conservatorship or receivership,”;

(B) by inserting “or subsidiary” after “an institution”; and

(C) by inserting “or the subsidiary” after “the institution”.

SEC. 15. RIGHT OF FIRST REFUSAL FOR TENANTS TO PURCHASE SINGLE FAMILY PROPERTY.

(a) RTC.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by inserting

1 *after paragraph (14) (as added by section 4 of this Act)*
 2 *the following new paragraph:*

3 “(15) *PURCHASE RIGHTS OF TENANTS.*—

4 “(A) *NOTICE.*—*Except as provided in sub-*
 5 *paragraph (C), the Corporation may make avail-*
 6 *able for sale a 1- to 4-family residence (includ-*
 7 *ing a manufactured home) to which the Corpora-*
 8 *tion acquires title only after the Corporation has*
 9 *provided the household residing in the property*
 10 *notice (in writing and mailed to the property) of*
 11 *the availability of such property and the pref-*
 12 *erence afforded such household under subpara-*
 13 *graph (B).*

14 “(B) *PREFERENCE.*—*In selling such a*
 15 *property, the Corporation shall give preference to*
 16 *any bona fide offer made by the household resid-*
 17 *ing in the property, if—*

18 “(i) *such offer is substantially similar*
 19 *in amount to other offers made within such*
 20 *period (or expected by the Corporation to be*
 21 *made within such period);*

22 “(ii) *such offer is made during the pe-*
 23 *riod beginning upon the Corporation mak-*
 24 *ing such property available and of a rea-*
 25 *sonable duration, as determined by the Cor-*

1 *poration based on the normal period for*
2 *sale of such properties; and*

3 *“(iii) the household making the offer*
4 *complies with any other requirements appli-*
5 *cable to purchasers of such property, includ-*
6 *ing any downpayment and credit require-*
7 *ments.*

8 *“(C) EXCEPTIONS.—Subparagraphs (A)*
9 *and (B) shall not apply to—*

10 *“(i) any residence transferred in con-*
11 *nection with the transfer of substantially all*
12 *of the assets of an insured depository insti-*
13 *tution for which the Corporation has been*
14 *appointed conservator or receiver;*

15 *“(ii) any eligible single family prop-*
16 *erty (as such term is defined in subsection*
17 *(c)(9)); or*

18 *“(iii) any residence for which the*
19 *household occupying the residence was the*
20 *mortgagor under a mortgage on such resi-*
21 *dence and to which the Corporation ac-*
22 *quired title pursuant to default on such*
23 *mortgage.”.*

1 (b) *FDIC.—Section 11 of the Federal Deposit Insur-*
 2 *ance Act (12 U.S.C. 1821) is amended by adding at the*
 3 *end the following new subsection:*

4 “(u) *PURCHASE RIGHTS OF TENANTS.—*

5 “(1) *NOTICE.—Except as provided in paragraph*
 6 *(3), the Corporation may make available for sale a 1-*
 7 *to 4-family residence (including a manufactured*
 8 *home) to which the Corporation acquires title only*
 9 *after the Corporation has provided the household re-*
 10 *siding in the property notice (in writing and mailed*
 11 *to the property) of the availability of such property*
 12 *and the preference afforded such household under*
 13 *paragraph (2).*

14 “(2) *PREFERENCE.—In selling such a property,*
 15 *the Corporation shall give preference to any bona fide*
 16 *offer made by the household residing in the property,*
 17 *if—*

18 “(A) *such offer is substantially similar in*
 19 *amount to other offers made within such period*
 20 *(or expected by the Corporation to be made with-*
 21 *in such period);*

22 “(B) *such offer is made during the period*
 23 *beginning upon the Corporation making such*
 24 *property available and of a reasonable duration,*

1 *as determined by the Corporation based on the*
 2 *normal period for sale of such properties; and*

3 “(C) the household making the offer com-
 4 *plies with any other requirements applicable to*
 5 *purchasers of such property, including any*
 6 *downpayment and credit requirements.*

7 “(3) *EXCEPTIONS.—Paragraphs (1) and (2)*
 8 *shall not apply to—*

9 “(A) any residence transferred in connec-
 10 *tion with the transfer of substantially all of the*
 11 *assets of an insured depository institution for*
 12 *which the Corporation has been appointed con-*
 13 *servator or receiver;*

14 “(B) any eligible single family property (as
 15 *such term is defined in subsection (c)(9)); or*

16 “(C) any residence for which the household
 17 *occupying the residence was the mortgagor under*
 18 *a mortgage on such residence and to which the*
 19 *Corporation acquired title pursuant to default*
 20 *on such mortgage.”.*

21 **SEC. 16. PREFERENCE FOR SALES OF REAL PROPERTY FOR**
 22 **USE FOR HOMELESS FAMILIES.**

23 (a) *RTC.—Section 21A(b) of the Federal Home Loan*
 24 *Bank Act (12 U.S.C. 1441a(b)), as amended by the preced-*

1 *ing provisions of this Act, is further amended by adding*
 2 *at the end the following new paragraph:*

3 “(16) *PREFERENCE FOR SALES FOR HOMELESS*
 4 *FAMILIES.—Subject to paragraph (15), in selling any*
 5 *real property (other than eligible residential property*
 6 *and eligible condominium property, as such terms are*
 7 *defined in subsection (c)(9)) to which the Corporation*
 8 *acquires title, the Corporation shall give preference,*
 9 *among offers to purchase the property that will result*
 10 *in the same net present value proceeds, to any offer*
 11 *that would provide for the property to be used, during*
 12 *the remaining useful life of the property, to provide*
 13 *housing or shelter for homeless persons (as such term*
 14 *is defined in section 103 of the Stewart B. McKinney*
 15 *Homeless Assistance Act) or homeless families.’’.*

16 **(b) FDIC.**—*Section 11 of the Federal Deposit Insur-*
 17 *ance Act (12 U.S.C. 1821), as amended by the preceding*
 18 *provisions of this Act, is further amended by adding at the*
 19 *end the following new subsection:*

20 “(v) *PREFERENCE FOR SALES FOR HOMELESS FAMI-*
 21 *LIES.—Subject to subsection (u), in selling any real prop-*
 22 *erty (other than eligible residential property and eligible*
 23 *condominium property, as such terms are defined in section*
 24 *40(p)) to which the Corporation acquires title, the Corpora-*
 25 *tion shall give preference among offers to purchase the prop-*

erty that will result in the same net present value proceeds,
 to any offer that would provide for the property to be used,
 during the remaining useful life of the property, to provide
 housing or shelter for homeless persons (as such term is de-
 fined in section 103 of the Stewart B. McKinney Homeless
 Assistance Act) or homeless families.”.

**SEC. 17. PREFERENCES FOR SALES OF COMMERCIAL PROP-
 ERTIES TO PUBLIC AGENCIES AND NON-
 PROFIT ORGANIZATIONS FOR USE IN CARRY-
 ING OUT PROGRAMS FOR AFFORDABLE
 HOUSING.**

(a) RTC.—Section 21A(b) of the Federal Home Loan
 Bank Act (12 U.S.C. 1441a(b)), as amended by the preced-
 ing provisions of this Act, is further amended by adding
 at the end the following new paragraph:

“(17) PREFERENCES FOR SALES OF CERTAIN
 COMMERCIAL REAL PROPERTIES.—

“(A) AUTHORITY.—In selling any eligible
 commercial real properties of the Corporation,
 the Corporation shall give preference, among of-
 fers to purchase the property that will result in
 the same net present value proceeds, to any
 offer—

“(i) that is made by a public agency or
 nonprofit organization; and

“(ii) under which the purchaser agrees that the property shall be used, during the remaining useful life of the property, for offices and administrative purposes of the purchaser to carry out a program to acquire residential properties to provide (I) homeownership and rental housing opportunities for very-low, low-, and moderate-income families, or (II) housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.

“(B) DEFINITIONS.—For purposes of this paragraph:

“(i) ELIGIBLE COMMERCIAL REAL PROPERTY.—The term ‘eligible commercial real property’ means any property (I) to which the Corporation acquires title, and (II) that the Corporation, in the discretion of the Corporation, determines is suitable for use for the location of offices or other administrative functions involved with carrying out a program referred to in subparagraph (A)(ii).

1 “(ii) *NONPROFIT ORGANIZATION AND*
 2 *PUBLIC AGENCY.*—The terms ‘nonprofit or-
 3 ganization’ and ‘public agency’ have the
 4 meanings given the terms in subsection
 5 (c)(9).”.

6 (b) *FDIC.*—Section 11 of the Federal Deposit Insur-
 7 *ance Act (12 U.S.C. 1821), as amended by the preceding*
 8 *provisions of this Act, is further amended by adding at the*
 9 *end the following new subsection:*

10 “(w) *PREFERENCES FOR SALES OF CERTAIN COMMER-*
 11 *CIAL REAL PROPERTIES.*—

12 “(1) *AUTHORITY.*—In selling any eligible com-
 13 mercial real properties of the Corporation, the Cor-
 14 poration shall give preference, among offers to pur-
 15 chase the property that will result in the same net
 16 present value proceeds, to any offer—

17 “(A) that is made by a public agency or
 18 nonprofit organization; and

19 “(B) under which the purchaser agrees that
 20 the property shall be used, during the remaining
 21 useful life of the property, for offices and admin-
 22 istrative purposes of the purchaser to carry out
 23 a program to acquire residential properties to
 24 provide (i) homeownership and rental housing
 25 opportunities for very-low, low-, and moderate-

1 *income families, or (ii) housing or shelter for*
 2 *homeless persons (as such term is defined in sec-*
 3 *tion 103 of the Stewart B. McKinney Homeless*
 4 *Assistance Act) or homeless families.*

5 “(2) *DEFINITIONS.*—For purposes of this sub-
 6 *section:*

7 “(A) *ELIGIBLE COMMERCIAL REAL PROP-*
 8 *ERTY.*—The term ‘eligible commercial real prop-

9 *erty’ means any property (i) to which the Cor-*
 10 *poration acquires title, and (ii) that the Cor-*
 11 *poration, in the discretion of the Corporation,*
 12 *determines is suitable for use for the location of*
 13 *offices or other administrative functions involved*
 14 *with carrying out a program referred to in para-*
 15 *graph (1)(B).*

16 “(B) *NONPROFIT ORGANIZATION AND PUB-*
 17 *LIC AGENCY.*—The terms ‘nonprofit organization’
 18 *and ‘public agency’ have the meanings given the*
 19 *terms in section 40(p).”.*

20 **SEC. 18. FEDERAL HOME LOAN BANKS HOUSING OPPOR-**
 21 **TUNITY HOTLINE PROGRAM.**

22 *The Federal Home Loan Bank Act (12 U.S.C. 1422*
 23 *et seq.) is amended by inserting after section 26 the follow-*
 24 *ing new section:*

1 ***“SEC. 27. HOUSING OPPORTUNITY HOTLINE PROGRAM.***

2 “(a) *ESTABLISHMENT.*—Each of the Federal Home
3 *Loan Banks shall establish and operate a program substan-*
4 *tially similar (in the determination of the Board) to the*
5 *‘Housing Opportunity Hotline’ program established in Oc-*
6 *tober 1992, by the Federal Home Loan Bank of Dallas.*

7 “(b) *PURPOSE.*—Each program established under this
8 *section shall provide information regarding the availability*
9 *for purchase of single-family properties that are owned or*
10 *held by Federal agencies and are located in the Federal*
11 *Home Loan Bank district for such Bank. Each Federal*
12 *Home Loan Bank shall consult with such agencies to ac-*
13 *quire such information.*

14 “(c) *REQUIRED INFORMATION.*—Each program estab-
15 *lished under this section shall provide information regard-*
16 *ing the size, location, price, and other characteristics of such*
17 *single family properties, the eligibility requirements for*
18 *purchasers of such properties, the terms for such sales, and*
19 *the terms of any available seller financing, and shall iden-*
20 *tify properties that are affordable to low- and moderate-*
21 *income families.*

22 “(d) *TOLL-FREE TELEPHONE NUMBER.*—Each pro-
23 *gram established under this section shall establish and*
24 *maintain a toll-free telephone line for providing the infor-*
25 *mation made available under the program.*

26 “(e) *DEFINITIONS.*—For purposes of this section:

1 “(1) *FEDERAL AGENCIES.*—The term ‘Federal
 2 agencies’ means the Farmers Home Administration,
 3 the Federal Deposit Insurance Corporation, the Fed-
 4 eral National Mortgage Association, the Federal
 5 Home Loan Mortgage Corporation, the General Serv-
 6 ices Administration, the Department of Housing and
 7 Urban Development, the Resolution Trust Corpora-
 8 tion, and the Department of Veterans Affairs.

9 “(2) *SINGLE FAMILY PROPERTY.*—The term ‘sin-
 10 gle family property’ means a 1- to 4-family residence,
 11 including a manufactured home.”.

12 **SEC. 19. CONFLICT OF INTEREST PROVISIONS APPLICABLE**
 13 **TO THE FDIC.**

14 (a) *IN GENERAL.*—Section 12 of the Federal Deposit
 15 Insurance Act (12 U.S.C. 1822) is amended by adding at
 16 the end the following new subsection:

17 “(f) *CONFLICT OF INTEREST.*—

18 “(1) *APPLICABILITY OF OTHER PROVISIONS.*—

19 “(A) *CLARIFICATION OF STATUS OF COR-*
 20 *PORATION.*—The Corporation shall be an agency
 21 for purposes of title 18, United States Code.

22 “(B) *TREATMENT OF CONTRACTORS.*—Any
 23 individual who, pursuant to a contract or any
 24 other arrangement, performs functions or activi-
 25 ties of the Corporation, under the direct super-

1 *vision of an officer or employee of the Corpora-*
 2 *tion, shall be deemed to be an employee of the*
 3 *Corporation for the purposes of title 18, United*
 4 *States Code, and this Act. Any individual who,*
 5 *pursuant to a contract or any other agreement,*
 6 *acts for or on behalf of the Corporation shall be*
 7 *deemed to be a public official for the purposes of*
 8 *section 201 of title 18, United States Code.*

9 “(2) *ESTABLISHMENT OF REGULATIONS.*—The
 10 *Board of Directors shall prescribe regulations govern-*
 11 *ing conflict of interest, ethical responsibilities, and*
 12 *post-employment restrictions applicable to officers*
 13 *and employees of the Corporation.*

14 “(3) *USE OF CONFIDENTIAL INFORMATION.*—The
 15 *Board of Directors shall prescribe regulations appli-*
 16 *cable to independent contractors governing conflicts of*
 17 *interest, ethical responsibilities, and the use of con-*
 18 *fidential information consistent with the goals and*
 19 *purposes of titles 18 and 41, United States Code.*

20 “(4) *DISAPPROVAL OF CONTRACTORS.*—

21 “(A) *IN GENERAL.*—The Board of Directors
 22 *shall prescribe regulations establishing proce-*
 23 *dures for ensuring that any individual who is*
 24 *performing, directly or indirectly, any function*
 25 *or service on behalf of the Corporation meets*

1 *minimum standards of competence, experience,*
2 *integrity, and fitness.*

3 “(B) *PROHIBITION FROM SERVICE ON BE-*
4 *HALF OF CORPORATION.—The procedures estab-*
5 *lished under subparagraph (A) shall provide that*
6 *the Corporation shall prohibit any person who*
7 *does not meet the minimum standards of com-*
8 *petence, experience, integrity, and fitness from—*

9 “(i) *entering into any contract with*
10 *the Corporation; or*

11 “(ii) *being employed by the Corpora-*
12 *tion or any person performing any service*
13 *for or on behalf of the Corporation.*

14 “(C) *INFORMATION REQUIRED TO BE SUB-*
15 *MITTED.—The procedures established under sub-*
16 *paragraph (A) shall require that any offer sub-*
17 *mitted to the Corporation by any person under*
18 *this section and any employment application*
19 *submitted to the Corporation by any person shall*
20 *include—*

21 “(i) *a list and description of any in-*
22 *stance during the 5 years preceding the sub-*
23 *mission of such application in which the*
24 *person or a company under such person’s*

1 *control defaulted on a material obligation to*
 2 *an insured depository institution; and*

3 “(ii) *such other information as the*
 4 *Board may prescribe by regulation.*

5 “(D) *SUBSEQUENT SUBMISSIONS.*—

6 “(i) *IN GENERAL.*—*No offer submitted*
 7 *to the Corporation may be accepted unless*
 8 *the offeror agrees that no person will be em-*
 9 *ployed, directly or indirectly, by the offeror*
 10 *under any contract with the Corporation*
 11 *unless—*

12 “(I) *all applicable information*
 13 *described in subparagraph (C) with re-*
 14 *spect to any such person is submitted*
 15 *to the Corporation; and*

16 “(II) *the Corporation does not*
 17 *disapprove of the direct or indirect em-*
 18 *ployment of such person.*

19 “(ii) *FINALITY OF DETERMINATION.*—
 20 *Any determination made by the Corpora-*
 21 *tion pursuant to this paragraph shall be in*
 22 *the Corporation’s sole discretion and shall*
 23 *not be subject to review.*

24 “(E) *PROHIBITION REQUIRED IN CERTAIN*
 25 *CASES.*—*The standards established under sub-*

1 *paragraph (A) shall require the Corporation to*
2 *prohibit any person who has—*

3 “(i) *been convicted of any felony;*

4 “(ii) *been removed from, or prohibited*
5 *from participating in the affairs of, any in-*
6 *sured depository institution pursuant to*
7 *any final enforcement action by any appro-*
8 *priate Federal banking agency;*

9 “(iii) *demonstrated a pattern or prac-*
10 *tice of defalcation regarding obligations to*
11 *insure depository institutions; or*

12 “(iv) *caused a substantial loss to Fed-*
13 *eral deposit insurance funds,*
14 *from service on behalf of the Corporation.*

15 “(5) *ABROGATION OF CONTRACTS.—The Cor-*
16 *poration may rescind any contract with a person*
17 *who—*

18 “(A) *fails to disclose a material fact to the*
19 *Corporation;*

20 “(B) *would be prohibited under paragraph*
21 *(6) from providing services to, receiving fees*
22 *from, or contracting with the Corporation; or*

23 “(C) *has been subject to a final enforcement*
24 *action by any appropriate Federal banking*
25 *agency.*

1 “(6) *PRIORITY OF FDIC RULES.*—To the extent
 2 that the regulations under this subsection conflict
 3 with rules of other agencies or Government corpora-
 4 tions, officers, directors, employees, and independent
 5 contractors of the Corporation who are also subject to
 6 the conflict of interest or ethical rules of another agen-
 7 cy or Government corporation, shall be governed by
 8 the regulations prescribed by the Board of Directors
 9 under this subsection when acting for or on behalf of
 10 the Corporation.”.

11 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—Sec-
 12 tion 3(z) of the Federal Deposit Insurance Act (12 U.S.C.
 13 1813(z)) is amended to read as follows:

14 “(z) *OTHER DEFINITIONS.*—

15 “(1) *FEDERAL BANKING AGENCY.*—The term
 16 ‘Federal banking agency’ means the Comptroller of
 17 the Currency, the Director of the Office of Thrift Su-
 18 pervision, the Board of Governors of the Federal Re-
 19 serve System, or the Federal Deposit Insurance Cor-
 20 poration.

21 “(2) *COMPANY.*—The term ‘company’ has the
 22 meaning given to such term in section 2(b) of the
 23 Bank Holding Company Act of 1956.”.

1 (c) *EFFECTIVE DATE.*—The amendment made by sub-
 2 section (a) shall apply after the end of the 6-month period
 3 beginning on the date of the enactment of this Act.

4 **SEC. 20. RESTRICTIONS ON SALES OF ASSETS TO CERTAIN**
 5 **PERSONS.**

6 (a) *IN GENERAL.*—Section 11(p) of the Federal De-
 7 posit Insurance Act (12 U.S.C. 1821(p)) is amended by re-
 8 designating paragraphs (1) and (2) as paragraphs (2) and
 9 (3) and by inserting before paragraph (2) (as so redesign-
 10 nated) the following new paragraph:

11 “(1) *PERSONS WHO ENGAGED IN IMPROPER CON-*
 12 *DUCT WITH, OR CAUSED LOSSES TO, DEPOSITORY IN-*
 13 *STITUTIONS.*—The Corporation shall prescribe regula-
 14 tions which, at a minimum, shall prohibit the sale of
 15 assets of a failed institution by the Corporation to—

16 “(A) any person who—

17 “(i) has defaulted, or was a member of
 18 a partnership or an officer or director of a
 19 corporation which has defaulted, on 1 or
 20 more obligations the aggregate amount of
 21 which exceed \$1,000,000 to such failed insti-
 22 tution;

23 “(ii) has been found to have engaged in
 24 fraudulent activity in connection with any
 25 obligation referred to in clause (i); and

1 “(iii) proposes to purchase any such
 2 asset in whole or in part through the use of
 3 the proceeds of a loan or advance of credit
 4 from the Corporation or from any institu-
 5 tion for which the Corporation has been ap-
 6 pointed as conservator or receiver;

7 “(B) any person who participated, as an of-
 8 ficer or director of such failed institution or of
 9 any affiliate of such institution, in a material
 10 way in transactions that resulted in a substan-
 11 tial loss to such failed institution;

12 “(C) any person who has been removed
 13 from, or prohibited from participating in the af-
 14 fairs of, such failed institution pursuant to any
 15 final enforcement action by an appropriate Fed-
 16 eral banking agency; or

17 “(D) any person who has demonstrated a
 18 pattern or practice of defalcation regarding obli-
 19 gations to such failed institution.”.

20 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—
 21 Section 11(p) of the Federal Deposit Insurance Act (12
 22 U.S.C. 1821(p)) is amended—

23 (1) in paragraph (2) (as so redesignated by the
 24 amendment made by subsection (a) of this section)—

1 (A) by striking “individual” and inserting
2 “person”; and

3 (B) by striking “paragraph (2)” and insert-
4 ing “paragraph (3)”;

5 (2) in paragraph (3) (as so redesignated by the
6 amendment made by subsection (a) of this section)—

7 (A) by striking “individual” each place
8 such term appears and inserting “person”; and

9 (B) by striking “Paragraph (1)” and in-
10 serting “Paragraphs (1) and (2)”;

11 (3) by adding at the end the following new para-
12 graph:

13 “(4) *DEFINITION OF DEFAULT.*—For purposes of
14 paragraphs (1) and (2), the term ‘default’ means a
15 failure to comply with the terms of a loan or other
16 obligation to such an extent that the property secur-
17 ing the obligation is foreclosed upon.”; and

18 (4) by striking the heading and inserting the fol-
19 lowing new heading: “(p) *CERTAIN SALES OF ASSETS*
20 *PROHIBITED.*—”.

21 **SEC. 21. WHISTLEBLOWER PROTECTION.**

22 Section 33(a)(2) of the Federal Deposit Insurance Act
23 (12 U.S.C. 1831j(a)(2)) is amended—

24 (1) by striking “or Federal Reserve bank” and
25 inserting “Federal reserve bank, or any person who is

1 *performing, directly or indirectly, any function or*
 2 *service on behalf of the Corporation”;*

3 *(2) by striking “or” at the end of subparagraph*
 4 *(B);*

5 *(3) by striking the period at the end of subpara-*
 6 *graph (C) and inserting “; or”; and*

7 *(4) by adding at the end the following new sub-*
 8 *paragraph:*

9 *“(D) the person, or any officer or employee*
 10 *of the person, who employs such employee.”.*

11 ***SEC. 22. FDIC ASSET DISPOSITION DIVISION.***

12 *(a) IN GENERAL.—Section 1 of the Federal Deposit In-*
 13 *surance Act (12 U.S.C. 1811) is amended—*

14 *(1) by striking “There is hereby created” and in-*
 15 *serting “(a) ESTABLISHMENT OF CORPORATION.—*
 16 *There is hereby established”; and*

17 *(2) by adding at the end the following new sub-*
 18 *section:*

19 *“(b) ASSET DISPOSITION DIVISION.—*

20 *“(1) ESTABLISHMENT.—The Corporation shall*
 21 *have a separate division of asset disposition.*

22 *“(2) MANAGEMENT.—The division of asset dis-*
 23 *position shall have an administrator who shall be ap-*
 24 *pointed by the Board of Directors.*

“(3) *POWERS AND DUTIES OF DIVISION.*—The division of asset disposition shall exercise all the powers and duties of the Corporation under this Act relating to the liquidation of insured depository institutions and the disposition of assets of such institutions.”

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall take effect on July 1, 1995.

SEC. 23. PRESIDENTIALLY-APPOINTED INSPECTOR GENERAL FOR FDIC.

(a) *IN GENERAL.*—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting “, the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation,” after “Chairperson of the Thrift Depositor Protection Oversight Board”; and

(2) in paragraph (2), by inserting “the Federal Deposit Insurance Corporation,” after “the Resolution Trust Corporation”.

(b) NO REDUCTION IN RATE OF PAY OF EXISTING EMPLOYEES OF THE OFFICE OF THE IG OF THE FDIC.—

(1) *IN GENERAL.*—Notwithstanding paragraphs (7) and (8) of section 6(a) of the Inspector General Act of 1978, the annual rate of basic pay and benefits, including any regional pay differential, payable

1 to any employee of the office of the inspector general
 2 of the Federal Deposit Insurance Corporation who
 3 was an employee of such office as of the date of the
 4 enactment of the Resolution Trust Corporation Com-
 5 pletion Act for any year ending after such date of en-
 6 actment shall not be reduced, by reason of the amend-
 7 ment made by subsection (a) of this section, below the
 8 annual rate of basic pay and benefits, including any
 9 regional pay differential, paid to such employee, by
 10 reason of such employment, as of such date.

11 (2) EMPLOYEES SERVING IN ACTING OR TEM-
 12 PORARY CAPACITY.—Notwithstanding paragraph (1),
 13 in the case of any employee described in such para-
 14 graph who, as of the date of the enactment of the Res-
 15 olution Trust Corporation Completion Act, is serving
 16 in an acting capacity or is otherwise temporarily em-
 17 ployed at a higher grade than such employee's regular
 18 grade or position of employment—

19 (A) the annual rate of basic pay and bene-
 20 fits, including any regional pay differential,
 21 payable to such employee in such capacity or at
 22 such higher grade shall not be reduced by reason
 23 of the applicability of paragraph (7) or (8) of
 24 section 6(a) of the Inspector General Act of 1978

1 so long as such employee continues to serve in
2 such capacity or at such higher grade; and

3 (B) after such employee ceases to serve in
4 such capacity or at such higher grade, para-
5 graph (1) shall be applied with respect to such
6 employee by taking into account only the annual
7 rate basic pay and benefits, including any re-
8 gional pay differential, payable to such employee
9 in such employee's regular grade or position of
10 employment.

11 (c) *TECHNICAL AND CONFORMING AMENDMENTS.*—

12 (1) Section 8E(a)(2) of the Inspector General Act
13 of 1978 (5 U.S.C. App.) is amended by striking “the
14 Federal Deposit Insurance Corporation,”.

15 (2) Section 5315 of title 5, United States Code,
16 is amended by adding at the end the following new
17 item:

18 “Inspector General, Federal Deposit Insurance
19 Corporation.”.

20 **SEC. 24. DEPUTY CHIEF EXECUTIVE OFFICER.**

21 Section 21A(b)(8) of the Federal Home Loan Bank Act
22 (12 U.S.C. 1441a(b)(8)) is amended by adding at the end
23 the following new subparagraphs:

24 “(E) *DEPUTY CHIEF EXECUTIVE OFFI-*
25 *CER.*—

1 “(i) *IN GENERAL.*—*There is hereby es-*
2 *tablished the position of deputy chief execu-*
3 *tive officer of the Corporation.*

4 “(ii) *APPOINTMENT.*—*The deputy chief*
5 *executive officer of the Corporation shall—*

6 “(I) *be appointed by the Chair-*
7 *person of the Thrift Depositor Protec-*
8 *tion Oversight Board, with the rec-*
9 *ommendation of the chief executive offi-*
10 *cer; and*

11 “(II) *be an employee of the Fed-*
12 *eral Deposit Insurance Corporation in*
13 *accordance with subparagraph (B)(i)*
14 *of this paragraph.*

15 “(iii) *DUTIES.*—*The deputy chief exec-*
16 *utive officer shall perform such duties as the*
17 *chief executive officer may require.*

18 “(F) *ACTING CHIEF EXECUTIVE OFFICER.*—
19 *In the event of a vacancy in the position of chief*
20 *executive officer or during the absence or disabil-*
21 *ity of the chief executive officer, the deputy chief*
22 *executive officer shall perform the duties of the*
23 *position as the acting chief executive officer.”.*

1 **SEC. 25. DUE PROCESS PROTECTIONS RELATING TO AT-**
 2 **TACHMENT OF ASSETS.**

3 *Section 8 of the Federal Deposit Insurance Act (12*
 4 *U.S.C. 1818) is amended—*

5 *(1) by striking subsection (i)(4)(B) and inserting*
 6 *the following new subparagraph:*

7 *“(B) STANDARD.—*

8 *“(i) SHOWING.—Rule 65 of the Federal*
 9 *Rules of Civil Procedure shall apply with*
 10 *respect to any proceeding under subpara-*
 11 *graph (A) without regard to the require-*
 12 *ment of such rule that the applicant show*
 13 *that the injury, loss, or damage is irrep-*
 14 *arable and immediate.*

15 *“(ii) STATE PROCEEDING.—If, in the*
 16 *case of any proceeding in a State court, the*
 17 *court determines that rules of civil proce-*
 18 *dure available under the laws of such State*
 19 *provide substantially similar protections to*
 20 *such party’s right to due process as Rule 65*
 21 *(as modified with respect to such proceeding*
 22 *by clause (i)), the relief sought under sub-*
 23 *paragraph (A) may be requested under the*
 24 *laws of such State.”.*

25 *(2) in subsection (b), by adding the following*
 26 *new paragraph:*

1 “(9) *STANDARD FOR CERTAIN ORDERS.*—No au-
 2 thority under this subsection or subsection (c) to pro-
 3 hibit any institution-affiliated party from withdraw-
 4 ing, transferring, removing, dissipating, or disposing
 5 of any funds, assets, or other property may be exer-
 6 cised unless the agency meets the standards of Rule 65
 7 of the Federal Rules of Civil Procedure without re-
 8 gard to the requirement of such rule that the appli-
 9 cant show that the injury, loss, or damage is irrep-
 10 arable and immediate.”.

11 **SEC. 26. GAO STUDIES REGARDING FEDERAL REAL PROP-**
 12 **ERTY DISPOSITION.**

13 (a) *RTC AFFORDABLE HOUSING PROGRAM.*—The
 14 Comptroller General of the United States shall conduct a
 15 study of the program carried out by the Resolution Trust
 16 Corporation pursuant to section 21A(c) of the Federal
 17 Home Loan Bank Act to determine the effectiveness of such
 18 program in providing affordable homeownership and rental
 19 housing for very low-, low-, and moderate-income families.
 20 The study shall examine the procedures used under the pro-
 21 gram to sell eligible single family properties, eligible con-
 22 dominium properties, and eligible multifamily housing
 23 properties, the characteristics and numbers of purchasers
 24 of such properties, and the amount of and reasons for any
 25 losses incurred by the Resolution Trust Corporation in sell-

1 *ing properties under the program. Not later than the expi-*
2 *ration of the 6-month period beginning on the date of the*
3 *enactment of this Act, the Comptroller General shall submit*
4 *a report to the Congress on the results of the study under*
5 *this subsection, which shall describe any findings under the*
6 *study and contain any recommendations of the Comptroller*
7 *General for improving the effectiveness of such program.*

8 (b) *SINGLE AGENCY FOR REAL PROPERTY DISPOS-*
9 *ITION.—The Comptroller General of the United States shall*
10 *conduct a study to determine the feasibility and effective-*
11 *ness of establishing a single Federal agency responsible for*
12 *selling and otherwise disposing of real property owned or*
13 *held by the Department of Housing and Urban Develop-*
14 *ment, the Farmers Home Administration of the Department*
15 *of Agriculture, the Federal Deposit Insurance Corporation,*
16 *and the Resolution Trust Corporation. The study shall ex-*
17 *amine the real property disposition procedures of such*
18 *agencies and corporations, analyze the feasibility of consoli-*
19 *dating such procedures through such single agency, and de-*
20 *termine the characteristics and authority necessary for any*
21 *such single agency to efficiently carry out such disposition*
22 *activities. Not later than the expiration of the 12-month pe-*
23 *riod beginning on the date of the enactment of this Act,*
24 *the Comptroller General shall submit a report to the Con-*
25 *gress on the study under this subsection, which shall de-*

1 *scribe any findings under the study and contain any rec-*
 2 *ommendations of the Comptroller General for the establish-*
 3 *ment of such single agency.*

4 ***SEC. 27. EXTENSION OF RTC POWER TO BE APPOINTED AS***
 5 ***CONSERVATOR OR RECEIVER.***

6 *Section 21A(b)(3)(A)(ii) of the Federal Home Loan*
 7 *Bank Act (12 U.S.C. 1441a(b)(3)(A)(ii)) is amended by*
 8 *striking “October 1, 1993” and inserting “April 1, 1995”.*

Amend the title so as to read: “An Act to provide for the remaining funds needed to assure that the United States fulfills its obligation for the protection of depositors at savings and loan institutions, to improve the management of the Resolution Trust Corporation (‘RTC’) in order to assure the taxpayers the fairest and most efficient disposition of savings and loan assets, to provide for a comprehensive transition plan to assure an orderly transfer of RTC resources to the Federal Deposit Insurance Corporation, to abolish the RTC, and for other purposes.”.

Attest:

Clerk.

S 714 EAH—2

S 714 EAH—3

S 714 EAH—4

S 714 EAH—5

S 714 EAH—6

S 714 EAH——7

S 714 EAH——8

S 714 EAH——9

S 714 EAH——10