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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend the Federal Deposit Insurance Act and the Federal Credit Union Act to authorize a temporary transaction account guarantee program, expand deposit and share insurance to cover business payment accounts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. WATERS introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Deposit Insurance Act and the Federal Credit Union Act to authorize a temporary transaction account guarantee program, expand deposit and share insurance to cover business payment accounts, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Employee Paycheck
5 and Small Business Protection Act”.

1 **SEC. 2. EXPANDED INSURANCE COVERAGE FOR BUSINESS**

2 **PAYMENT ACCOUNTS.**

3 (a) INSURED DEPOSITORY INSTITUTIONS.—

4 (1) IN GENERAL.—Section 11(a) of the Federal
5 Deposit Insurance Act (12 U.S.C. 1821(a)) is
6 amended—

7 (A) in paragraph (1)(B), by striking “The
8 net amount” and inserting “Except as provided
9 in paragraph (6), the net amount”; and

10 (B) by adding at the end the following:

11 “(6) EXPANDED INSURANCE COVERAGE FOR
12 BUSINESS PAYMENT ACCOUNTS.—

13 “(A) INSURANCE REQUIRED.—Notwith-
14 standing paragraph (1), the Corporation shall
15 establish a program under which the Corpora-
16 tion shall fully insure the deposits that any de-
17 positor at an insured depository institution
18 maintains in a covered transaction account in
19 accordance with subparagraph (B).

20 “(B) AMOUNT.—The Corporation may
21 only provide insurance for deposits under sub-
22 paragraph (A) in an amount of net deposits up
23 to \$100,000,000 per depositor per depository
24 institution.

25 “(C) EXCLUSION FROM NET AMOUNT OF
26 INSURED DEPOSITS.—Any amount of deposits

1 insured under this paragraph shall not be taken
2 into account when computing the net amount
3 due to such depositor under paragraph (1)(B).

4 “(D) COVERED TRANSACTION ACCOUNT
5 DEFINED.—In this paragraph, the term ‘cov-
6 ered transaction account’ means a deposit or
7 account maintained at an insured depository in-
8 stitution—

9 “(i) by a business, non-profit, munici-
10 pality, or similar organization;

11 “(ii) used predominantly for trans-
12 actions, including payroll payments, vendor
13 payments, and any other regular payments
14 made to support the work or mission of the
15 account holder; and

16 “(iii) that is non-interest bearing or
17 that pays interest materially below pre-
18 vailing market rates, as determined by the
19 Corporation.”.

20 (2) APPLICABILITY.—The amendments made
21 by this subsection shall apply with respect to a cov-
22 ered transaction account (as defined in paragraph
23 (6)(D) of section 11(a) of the Federal Deposit In-
24 surance Act, as added by this section) on the date

1 of the issuance of a final rule described in subsection
2 (d).

3 (b) CREDIT UNIONS.—

4 (1) IN GENERAL.—Section 207(k) of the Fed-
5 eral Credit Union Act (12 U.S.C. 1787(k)) is
6 amended—

7 (A) in paragraph (1)(A), by inserting “and
8 except as provided in paragraph (7)” after
9 “paragraph (2)”; and

10 (B) by adding at the end the following:

11 “(7) EXPANDED INSURANCE COVERAGE FOR
12 BUSINESS PAYMENT ACCOUNTS.—

13 “(A) INSURANCE REQUIRED.—Notwith-
14 standing paragraph (1), the Board shall estab-
15 lish a program under which the Board shall
16 fully insure the deposits or shares in members
17 accounts of an insured credit union that are
18 covered transaction accounts in accordance with
19 subparagraph (B).

20 “(B) AMOUNT.—The Board may only pro-
21 vide insurance under subparagraph (A) in an
22 amount of the net deposits or shares up to
23 \$100,000,000 per member per insured credit
24 union.

1 “(C) EXCLUSION FROM NET AMOUNT OF
2 INSURED DEPOSITS OR SHARES.—Any amount
3 of deposits or shares insured under this para-
4 graph shall not be taken into account when
5 computing the net amount due under paragraph
6 (1)(A).

7 “(D) COVERED TRANSACTION ACCOUNT
8 DEFINED.—In this paragraph, the term ‘cov-
9 ered transaction account’ means a deposit,
10 share, or account maintained at an insured
11 credit union—

12 “(i) by a business, non-profit, munici-
13 pality, or similar organization;

14 “(ii) used predominantly for trans-
15 actions, including payroll payments, vendor
16 payments, and any other regular payments
17 made to support the work or mission of the
18 account holder; and

19 “(iii) that is non-interest bearing or
20 that pays interest materially below pre-
21 vailing market rates, as determined by the
22 Board.”.

23 (2) APPLICABILITY.—The amendments made
24 by this subsection shall apply with respect to a cov-
25 ered transaction account (as defined in section

1 207(k)(7)(D) of the Federal Credit Union Act, as
2 added by this section) on the date of the issuance of
3 a final rule described in subsection (d).

4 (c) DATA COLLECTION AND ANALYSIS.—

5 (1) IN GENERAL.—

6 (A) FDIC.—Not later than 90 days after
7 the date of the enactment of this Act, the Fed-
8 eral Deposit Insurance Corporation shall begin
9 collecting and analyzing data from insured de-
10 pository institutions to establish requirements
11 for the program established under paragraph
12 (6) of section 11(a) of the Federal Deposit In-
13 surance Act, as added by this Act, including to
14 determine the eligibility of covered transaction
15 accounts and the amount of deposits to be in-
16 sured under such program, as appropriate.

17 (B) NCUA.—Not later than 90 days after
18 the date of the enactment of this Act, the Na-
19 tional Credit Union Administration Board shall
20 begin collecting and analyzing data from in-
21 sured credit unions to establish requirements
22 for the program established under paragraph
23 (7) of section 207(k) of the Federal Credit
24 Union Act, as added by this Act, including to
25 determine the eligibility of covered transaction

1 accounts and the amount of deposits or shares
2 to be insured under such program, as appro-
3 priate.

4 (2) ELEMENTS.—In establishing the eligibility
5 of covered transaction accounts and the amount of
6 deposits or shares to be insured as described in
7 paragraph (1), the Federal Deposit Insurance Cor-
8 poration and the National Credit Union Administra-
9 tion Board, respectively, shall consider the following:

10 (A) The eligibility of covered transaction
11 accounts and the maximum insurance amount
12 for such deposits or shares to promote safety
13 and soundness of insured depository institutions
14 and insured credit unions, as applicable.

15 (B) The eligibility of covered transaction
16 accounts and the maximum insurance amount
17 for such deposits or shares to promote stability
18 of the financial system of the United States.

19 (C) The eligibility of covered transaction
20 accounts and the maximum insurance amount
21 for such deposits or shares to promote a com-
22 petitive depository market structure that, as ap-
23 plicable, includes—

24 (i) minority depository institutions (as
25 defined in section 308 of the Financial In-

1 stitutions Reform, Recovery, and Enforce-
2 ment Act of 1989) and minority insured
3 credit unions;

4 (ii) rural depository institutions and
5 rural insured credit unions;

6 (iii) depository institutions and credit
7 unions that are community development fi-
8 nancial institutions (as defined in section
9 103(5) of the Riegle Community Develop-
10 ment and Regulatory Improvement Act of
11 1994); and

12 (iv) other large, small, and medium-
13 sized insured depository institutions and
14 insured credit unions.

15 (D) The eligibility of covered transaction
16 accounts and the maximum insurance amount
17 for such deposits or shares to ensure holders of
18 covered transaction accounts would be able to
19 meet payment obligations in a timely fashion,
20 including payroll and vendor payment obliga-
21 tions.

22 (E) The expected effect of assessment or
23 premium adjustments on insured depository in-
24 stitutions and insured credit unions, as applica-
25 ble.

1 (3) PUBLICATION.—Not later than 18 months
2 after the date of the enactment of this Act, the Fed-
3 eral Deposit Insurance Corporation and the National
4 Credit Union Administration Board shall—

5 (A) make publicly available a report with
6 detailed analyses conducted under this sub-
7 section, including aggregated data; and

8 (B) make available to the Committee on
9 Financial Services of the House of Representa-
10 tives and Committee on Banking, Housing, and
11 Urban Affairs of the Senate the data collected
12 under this subsection.

13 (d) RULEMAKING.—

14 (1) PROPOSED RULEMAKING.—

15 (A) IN GENERAL.—Not later than 18
16 months after the date of the enactment of this
17 Act, the Federal Deposit Insurance Corporation
18 and the National Credit Union Administration
19 Board shall each issue a proposed rule to carry
20 out the requirements of this section and the
21 amendments made by this section.

22 (B) ADDITIONAL REQUIREMENTS.—The
23 Federal Deposit Insurance Corporation and the
24 National Credit Union Administration Board
25 shall consult with the Board of Governors of

1 the Federal Reserve System and the Comp-
2 troller of the Currency before issuing a pro-
3 posed rule required under subparagraph (A).

4 (C) TESTIMONY.—The Chairperson of the
5 Federal Deposit Insurance Corporation and the
6 Chairman of the National Credit Union Admin-
7 istration Board shall testify before the Finan-
8 cial Services Committee of the House of Rep-
9 resentatives and Committee on Banking, Hous-
10 ing, and Urban Affairs of the Senate, at a time
11 determined by the Chairs of those Committees
12 that is after the date on which the proposed
13 rule described in subparagraph (A) is issued.

14 (2) FINAL RULEMAKING.—

15 (A) IN GENERAL.—Not later than 30
16 months after the date of the enactment of this
17 Act, the Federal Deposit Insurance Corporation
18 and the National Credit Union Administration
19 Board shall each issue a final rule to carry out
20 the requirements of this section and the amend-
21 ments made by this section.

22 (B) JOINT DETERMINATIONS REQUIRED.—
23 Each rule described under subparagraph (A)
24 shall contain the following, which shall be joint-
25 ly determined by the Federal Deposit Insurance

1 Corporation and the National Credit Union Ad-
2 ministration Board:

3 (i) A definition of the term “deposits”
4 and “deposits or shares” that applies to
5 both programs.

6 (ii) A maximum insurance amount for
7 deposits or shares held in a covered trans-
8 action account that applies to both pro-
9 grams.

10 (3) FAILURE TO ISSUE A FINAL RULE.—If the
11 Federal Deposit Insurance Corporation or the Na-
12 tional Credit Union Administration Board do not
13 issue a final rule required under paragraph (2) be-
14 fore the deadline described in that paragraph—

15 (A) the Chair of each agency failing to
16 issue a final rule shall—

17 (i) testify before the Committee on Fi-
18 nancial Services of the House of Rep-
19 resentatives and Committee on Banking,
20 Housing, and Urban Affairs of the Senate
21 regarding the reasons why the agency has
22 not yet issued a final rule; and

23 (ii) submit a report to such Commit-
24 tees that includes—

1 (I) an assessment of the benefits
2 and challenges posed by expanding de-
3 posit or share insurance as required,
4 as applicable, under the program es-
5 tablished under paragraph (6) of sec-
6 tion 11(a) of the Federal Deposit In-
7 surance Act (as added by this Act)
8 and the program established under
9 paragraph (7) of section 207(k) of the
10 Federal Credit Union Act (as added
11 by this Act); and

12 (II) any recommendations for ad-
13 ministrative or legislative modifica-
14 tions;

15 (B) the Comptroller General of the United
16 State shall conduct a review of the reports re-
17 quired under subsection (c), along with any
18 other relevant data, and submit to Congress a
19 report on—

20 (i) the benefits and challenges posed
21 by—

22 (I) the program established
23 under paragraph (6) of section 11(a)
24 of the Federal Deposit Insurance Act,
25 as added by this Act; and

1 (II) the program established
2 under paragraph (7) of section 207(k)
3 of the Federal Credit Union Act, as
4 added by this Act; and
5 (ii) any recommendations for legisla-
6 tive or regulatory actions.

7 (e) EXTENSION OF DEPOSIT INSURANCE FUND AND
8 NATIONAL CREDIT UNION SHARE INSURANCE FUND
9 RESTORATION PLANS.—A Deposit Insurance Fund res-
10 toration plan (as defined under section 7(b)(3)(E) of the
11 Federal Deposit Insurance Act (12 U.S.C.
12 1817(b)(3)(E))) or a restoration plan for the National
13 Credit Union Share Insurance Fund (as described in sec-
14 tion 202(c)(2)(D) of the Federal Credit Union Act (12
15 U.S.C. 1782(c)(2)(D))) in effect on the date of the enact-
16 ment of this Act shall be extended for a period of 8 years
17 beginning on the effective date of a final rule issued by
18 the applicable agency pursuant to subsection (d).

19 **SEC. 3. TEMPORARY TRANSACTION ACCOUNT GUARANTEE**
20 **PROGRAM.**

21 (a) INSURED DEPOSITORY INSTITUTIONS.—Section
22 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823)
23 is amended by adding at the end the following:

24 “(l) INSURANCE OF CERTAIN UNINSURED DEPOSITS
25 TO PRESERVE FINANCIAL STABILITY.—

1 “(1) ESTABLISHMENT OF PROGRAM FRAME-
2 WORK.—The Corporation shall, by rule, establish a
3 framework for a Temporary Transaction Account
4 Guarantee Program (the ‘Program’) under which
5 the Corporation fully insures the net amount any de-
6 positor at an insured depository institution main-
7 tains in a covered transaction account for a single
8 period not to exceed 180 days.

9 “(2) IMPLEMENTATION.—The Corporation may
10 implement the Program only if, upon the written
11 recommendation of the Board of Directors (upon a
12 vote of not less than two-thirds of the members of
13 the Board of Directors) and the Board of Governors
14 of the Federal Reserve System (upon a vote of not
15 less than two-thirds of the members of such Board),
16 the Secretary of the Treasury (in consultation with
17 the President) determines that the failure to imple-
18 ment the program would have serious adverse effects
19 on financial stability or economic conditions in the
20 United States.

21 “(3) ELIGIBILITY.—An insolvent insured depos-
22 itory institution is not eligible to be enrolled in the
23 Program.

24 “(4) FUNDING.—In implementing the Program,
25 the Corporation may—

1 “(A) establish assessments on insured de-
2 pository institutions that participate in the Pro-
3 gram; and

4 “(B) use amounts available in the Deposit
5 Insurance Fund.

6 “(5) EXTENSION.—The Corporation may ex-
7 tend the period described in paragraph (2) for an
8 additional 90 days if—

9 “(A) the Board of Directors (upon a vote
10 of not less than two-thirds of the members of
11 the Board of Directors), the Board of Gov-
12 ernors of the Federal Reserve System (upon a
13 vote of not less than two-thirds of the members
14 of such Board), and the Secretary (in consulta-
15 tion with the President) determines that the
16 failure to extend such program would have seri-
17 ous adverse effects on financial stability or eco-
18 nomic conditions in the United States; and

19 “(B) the Secretary of the Treasury sub-
20 mits to Congress a report containing data and
21 analysis, including data and analysis from the
22 Board of Directors and the Board of Governors
23 of the Federal Reserve System, justifying such
24 extension.

1 “(6) TESTIMONY.—Not later than 45 days after
2 any implementation of the Program, the Chairperson
3 of the Board of Directors, the Chairman of the
4 Board of Governors of the Federal Reserve System,
5 and the Secretary of the Treasury shall provide tes-
6 timony to the Committee on Financial Services Com-
7 mittee of the House of Representatives and the
8 Committee on Banking, Housing, and Urban Affairs
9 of the Senate describing the data, analysis, and jus-
10 tification for implementing the Program.

11 “(7) GAO REPORT.—Not later than 90 days
12 after any implementation of the Program, the Comp-
13 troller General of the United States shall submit to
14 Congress a report describing the implementation of
15 the Program.

16 “(8) COVERED TRANSACTION ACCOUNT DE-
17 FINED.—In this subsection, the term ‘covered trans-
18 action account’ means a transaction account that is
19 non-interest bearing or that pays interest materially
20 below prevailing market rates, as determined by the
21 Corporation.

22 “(9) TERMINATION.—

23 “(A) IN GENERAL.—Any implementation
24 of the Program shall terminate not later than
25 270 days after the date of implementation un-

1 less the Board of Directors (upon a vote of not
2 less than two-thirds of the members of the
3 Board of Directors) and the Board of Gov-
4 ernors of the Federal Reserve System (upon a
5 vote of not less than two-thirds of the members
6 of such Board) submits to the Secretary of the
7 Treasury a written recommendation to not ter-
8minate the program, and—

9 “(i) the Secretary of the Treasury—

10 “(I) submits to Congress a report
11 containing data and analysis to justify
12 not terminating the Program that in-
13 cludes data and analysis from the
14 Board of Directors and the Board of
15 Governors of the Federal Reserve Sys-
16 tem; and

17 “(II) requests approval from
18 Congress to extend the Program for a
19 specified period of time; and

20 “(ii) a joint resolution of approval is
21 enacted to extend the Program.

22 “(B) PROCEDURES FOR JOINT RESOLU-
23 TION OF APPROVAL.—The procedures provided
24 for congressional consideration of a joint resolu-
25 tion under section 1105(d) of the Dodd-Frank

1 Wall Street Reform and Consumer Protection
2 Act shall apply to a joint resolution of approval
3 described under subparagraph (A)(ii).”.

4 (b) INSURED CREDIT UNIONS.—Section 207 of the
5 Federal Credit Union Act (12 U.S.C. 1787) is amended
6 by adding at the end the following:

7 “(s) INSURANCE OF CERTAIN UNINSURED DEPOSITS
8 TO PRESERVE FINANCIAL STABILITY.—

9 “(1) IN GENERAL.—The National Credit Union
10 Administration Board may establish a program
11 under which the Board fully insures the net amount
12 in member accounts of an insured credit union that
13 are covered transaction accounts for a single period
14 not to exceed 180 days if, upon the written rec-
15 ommendation of such Board (upon a vote of not less
16 than two-thirds of the members of such Board) and
17 the Board of Governors of the Federal Reserve Sys-
18 tem (upon a vote of not less than two-thirds of the
19 members of such Board), the Secretary of the Treas-
20 ury (in consultation with the President) determines
21 that the failure to establish such program would
22 have serious adverse effects on financial stability or
23 economic conditions in the United States.

1 “(2) ELIGIBILITY.—An insolvent insured credit
2 union is not eligible to be enrolled in a program es-
3 tablished under this subsection.

4 “(3) FUNDING.—To carry out a program under
5 this subsection, the Board may—

6 “(A) establish assessments on insured
7 credit unions that participate in such a pro-
8 gram; and

9 “(B) use amounts available in the Fund.

10 “(4) EXTENSION.—The National Credit Union
11 Administration Board may extend the period de-
12 scribed in paragraph (1) for an additional 90 days
13 if—

14 “(A) the National Credit Union Adminis-
15 tration Board (upon a vote of not less than
16 two-thirds of the members of such Board), the
17 Board of Governors of the Federal Reserve Sys-
18 tem (upon a vote of not less than two-thirds of
19 the members of such Board), and the Secretary
20 of the Treasury (in consultation with the Presi-
21 dent) determines that the failure to extend such
22 program would have serious adverse effects on
23 financial stability or economic conditions in the
24 United States; and

1 “(B) the Secretary of the Treasury sub-
2 mits to Congress a report containing data and
3 analysis, including data and analysis from the
4 Board of Directors and the Board of Governors
5 of the Federal Reserve System, justifying such
6 extension.

7 “(5) TESTIMONY.—Not later than 45 days after
8 the establishment of a program under this sub-
9 section, the Chairman, the Chairman of the Board
10 of Governors of the Federal Reserve System, and the
11 Secretary of the Treasury shall provide testimony to
12 the Committee on Financial Services of the House of
13 Representatives and the Committee on Banking,
14 Housing, and Urban Affairs of the Senate describing
15 the data, analysis, and justification for establishing
16 the program under this subsection.

17 “(6) GAO REPORT.—Not later than 90 days
18 after the establishment of a program under this sub-
19 section, the Comptroller General of the United
20 States shall submit to Congress a report describing
21 the establishment of such program.

22 “(7) COVERED TRANSACTION ACCOUNT DE-
23 FINED.—In this subsection, the term ‘covered trans-
24 action account’ means a transaction account that is
25 non-interest bearing or that pays interest materially

1 below prevailing market rates, as determined by the
2 National Credit Union Administration Board.

3 “(8) TERMINATION.—

4 “(A) IN GENERAL.—A program established
5 under this subsection shall terminate not later
6 than 270 days after the date of establishment
7 unless the Board (upon a vote of not less than
8 two-thirds of the members of such Board) and
9 the Board of Governors of the Federal Reserve
10 System (upon a vote of not less than two-thirds
11 of the members of such Board) submits to the
12 Secretary of the Treasury a written rec-
13 ommendation to not terminate the program,
14 and—

15 “(i) the Secretary of the Treasury—

16 “(I) submits to Congress a report
17 containing data and analysis to justify
18 not terminating the program that in-
19 cludes data and analysis from the
20 Board and the Board of Governors of
21 the Federal Reserve System; and

22 “(II) requests approval from
23 Congress to extend the program for a
24 specified period of time; and

1 “(ii) a joint resolution of approval is
2 enacted to extend the program.

3 “(B) PROCEDURES FOR JOINT RESOLU-
4 TION OF APPROVAL.—The procedures provided
5 for congressional consideration of a joint resolu-
6 tion under section 1105(d) of the Dodd-Frank
7 Wall Street Reform and Consumer Protection
8 Act shall apply to a joint resolution of approval
9 described under subparagraph (A)(ii).”.

10 (c) MODIFICATION TO EXPEDITED PROCEDURES.—
11 Section 1105(d) of the Dodd-Frank Wall Street Reform
12 and Consumer Protection Act (12 U.S.C. 5612(d)) is
13 amended—

14 (1) by redesignating paragraph (4) as para-
15 graph (5); and

16 (2) by inserting after paragraph (3) the fol-
17 lowing:

18 “(4) CONSIDERATION IN THE HOUSE OF REP-
19 RESENTATIVES.—Upon receipt of a request under
20 subsection (c), a joint resolution introduced in the
21 House of Representatives in connection with such re-
22 quest shall be privileged.”.