

ADDITIONAL TECHNICAL / MANAGERS
AMENDMENT

Page 19, strike lines 10 through 18 and insert the following:

- 1 (C) the Commodity Futures Trading Com-
2 mission, with respect to—
- 3 (i) any futures commission merchant
4 registered with the Commodity Futures
5 Trading Commission under the Commodity
6 Exchange Act (7 U.S.C. 1 et seq.);
- 7 (ii) any commodity pool operator or
8 commodity pool registered with the Com-
9 modity Futures Trading Commission
10 under the Commodity Exchange Act (7
11 U.S.C. 1 et seq.);
- 12 (iii) any commodity trading advisor or
13 introducing broker registered with the
14 Commodity Futures Trading Commission
15 under the Commodity Exchange Act (7
16 U.S.C. 1 et seq.) with respect to the advi-
17 sory activities of such entity and activities
18 incidental to such advisory activities;

1 (iv) any associated persons of a fu-
2 tures commission merchant, introducing
3 broker, commodity pool operator, or com-
4 modity trading advisor registered with the
5 Commodity Futures Trading Commission
6 under the Commodity Exchange Act (7
7 U.S.C. 1 et seq.);

8 (v) any derivatives clearing organiza-
9 tion registered with the Commodity Fu-
10 tures Trading Commission under the Com-
11 modity Exchange Act (7 U.S.C. 1 et seq.);

12 (vi) any board of trade designated as
13 a contract market by the Commodity Fu-
14 tures Trading Commission under the Com-
15 modity Exchange Act (7 U.S.C. 1 et seq);

16 (vii) any futures association registered
17 with the Commodity Futures Trading
18 Commission under the Commodity Ex-
19 change Act (7 U.S.C. 1 et seq.);

20 (viii) any retail foreign exchange deal-
21 er registered with the Commodity Futures
22 Trading Commission under the Commodity
23 Exchange Act (7 U.S.C. 1 et seq.);

24 (ix) any swap execution facility, swap
25 data repository, swap dealer, major swap

1 participant, or associated person of a swap
2 dealer or major swap participant registered
3 with the Commodity Futures Trading
4 Commission under the Commodity Ex-
5 change Act (7 U.S.C. 1 et seq.) with re-
6 spect to the swap activities of the person
7 that requires such person to be registered
8 under such Act; and
9 (x) any registered entity under the
10 Commodity Exchange Act (7 U.S.C. 1 et
11 seq.);

Page 74, after line 18, insert the following new section:

12 **SEC. 123. STUDY OF THE EFFECTS OF SIZE AND COM-**
13 **PLEXITY OF FINANCIAL INSTITUTIONS ON**
14 **CAPITAL MARKET EFFICIENCY AND ECO-**
15 **NOMIC GROWTH.**

16 (a) STUDY REQUIRED.—The Chairman of the Coun-
17 cil shall carry out a study of the economic impact of pos-
18 sible financial services regulatory limitations intended to
19 reduce systemic risk. Such study shall estimate the effect
20 on the efficiency of capital markets, costs imposed on the
21 financial sector, and on national economic growth, of—

1 (1) explicit or implicit limits on the maximum
2 size of banks, bank holding companies, and other
3 large financial institutions;

4 (2) limits on the organizational complexity and
5 diversification of large financial institutions;

6 (3) requirements for operational separation be-
7 tween business units of large financial institutions in
8 order to expedite resolution in case of failure;

9 (4) limits on risk transfer between business
10 units of large financial institutions;

11 (5) requirements to carry contingent capital or
12 similar mechanisms;

13 (6) limits on commingling of commercial and fi-
14 nancial activities by large financial institutions;

15 (7) segregation requirements between tradi-
16 tional financial activities and trading or other high-
17 risk operations in large financial institutions; and

18 (8) other limitations on the activities or struc-
19 ture of large financial institutions that may be use-
20 ful to limit systemic risk.

21 The study shall include recommendations for the optimal
22 structure of any limits considered in paragraphs (1)
23 through (5) in order to maximize their effectiveness and
24 minimize their economic impact.

1 (b) REPORT.—Not later than the end of the 180-day
2 period beginning on the date of the enactment of this title,
3 and no later than every 5 years thereafter, the Chairman
4 shall issue a report to the Congress containing any find-
5 ings and determinations made in carrying out the study
6 required under subsection (a).

Page 419, strike lines 3 through 5 and insert the
following:

7 (4) in section 308 (12 U.S.C. 1463 note)—

8 (A) in subsection (a), by striking “the Di-
9 rector of the Office of Thrift Supervision” and
10 inserting “the Chairman of the Board of Gov-
11 ernors of the Federal Reserve System, the
12 Comptroller of the Currency, the Chairman of
13 the National Credit Union Administration,
14 and”; and

15 (B) by adding at the end the following new
16 subsection:

17 “(c) REPORTS.—The Secretary of the Treasury, the
18 Chairman of the Board of Governors of the Federal Re-
19 serve System, the Comptroller of the Currency, the Chair-
20 man of the National Credit Union Administration, and the
21 Chairperson of Board of Directors of the Federal Deposit
22 Insurance Corporation shall each submit an annual report

1 to the Congress containing a description of actions taken
2 to carry out this section.”;

Page 423, strike lines 13 through 20, and insert the
following:

3 (F) by amending subsection (c), as so re-
4 designated, to read as follows:

5 “(c) ANNUAL REPORT REQUIRED.—The Comptroller
6 of the Currency shall make an annual report to the Con-
7 gress. Such report shall include a description of any
8 changes the Comptroller has made or is considering mak-
9 ing in the district offices of the Office, including a descrip-
10 tion of the geographic allocation of the Office’s resources
11 and personnel used to carry out the examination and su-
12 pervision functions of the Office.”;

Page 870, after line 23, insert the following new sec-
tion (and redesignate the subsequent section accordingly):

13 **SEC. 754. ADDITION OF SWAPS TO FUNCTIONALLY REGU-**
14 **LATED SUBSIDIARY DEFINITION.**

15 Section 5(c)(5)(B)(v) of the Bank Holding Company
16 Act of 1956 is amended by striking “commodities activi-
17 ties” each place it appears and inserting “commodities
18 and swap activities”.

Page 1338, after line 7, insert the following new subparagraph (and redesignate the subsequent subparagraph accordingly):

1 (I) The Bureau of Consumer Financial
2 Protection.

Page 1396, after line 2, insert the following new subsection:

3 (g) OFFICE OF FINANCIAL PROTECTION FOR OLDER
4 AMERICANS.—

5 (1) ESTABLISHMENT.—Before the end of the
6 180-day period beginning on the date of the enact-
7 ment of this title, the Director shall establish the Of-
8 fice of Financial Protection for Older Americans,
9 whose functions shall include activities designed to
10 facilitate the financial literacy of individuals who
11 have attained the age of 62 years or more (in this
12 subsection, referred to as “seniors”) on protection
13 from unfair and deceptive practices and on current
14 and future financial choices, including through the
15 dissemination of materials to seniors on such topics.

16 (2) DIRECTOR.—The Office of Financial Pro-
17 tection for Older Americans shall be headed by a di-
18 rector.

1 (3) DUTIES.—Such unit shall perform the fol-
2 lowing duties:

3 (A) Develop goals for programs that pro-
4 vide seniors financial literacy and counseling,
5 including programs that—

6 (i) help seniors recognize warning
7 signs of unfair and deceptive practices,
8 protect themselves from such practices;

9 (ii) provide one-on-one financial coun-
10 seling on issues including long-term sav-
11 ings and later-life economic security; and

12 (iii) provide personal consumer credit
13 advocacy to respond to consumer problems
14 caused by unfair and deceptive practices.

15 (B) Monitor certifications or designations
16 of financial advisors who advise seniors and
17 alert the Securities and Exchange Commission
18 and State regulators of certifications or des-
19 ignations that are identified as unfair or decep-
20 tive.

21 (C) Not later than 18 months after the
22 date of the establishment of the Office of Fi-
23 nancial Protection for Older Americans, submit
24 to Congress and the Securities and Exchange

1 Commission recommendations of the best prac-
2 tices for any legislative and regulatory—

3 (i) disseminating information regard-
4 ing the legitimacy of certifications of finan-
5 cial advisers who advise seniors;

6 (ii) methods in which a senior can
7 identify the financial advisor most appro-
8 priate for the senior's needs; and

9 (iii) methods in which a senior can
10 verify a financial advisor's credentials.

11 (D) Conduct research to identify best prac-
12 tices and effective methods, tools, technology
13 and strategies to educate and counsel seniors
14 about personal finance management with a
15 focus on—

16 (i) protecting themselves from unfair
17 and deceptive practices;

18 (ii) long-term savings; and

19 (iii) planning for retirement and long-
20 term care.

21 (E) Coordinate consumer protection efforts
22 of seniors with other Federal agencies and
23 State regulators, as appropriate, to promote
24 consistent, effective, and efficient enforcement.

1 (F) Work with community organizations,
2 non-profit organizations, and other entities that
3 are involved with educating or assisting seniors
4 (including the National Education and Re-
5 source Center on Women and Retirement Plan-
6 ning).

Page 1461, after line 4, insert the following new paragraph:

7 (3) STATE INSURANCE AUTHORITY UNDER
8 GRAMM-LEACH-BLILEY.—Notwithstanding para-
9 graph (2), the Bureau shall not exercise any authori-
10 ties that are granted a State insurance authority
11 under section 505(a)(6) of the Gramm-Leach-Bliley
12 Act with respect to a person regulated by a State in-
13 surance authority.

Page 1734, line 5, strike “and”.

Page 1734, after line 5, insert the following new paragraphs (and redesignate subsequent paragraphs accordingly):

14 (3) in paragraph (3)(A)(i), by inserting “or the
15 Federal Reserve banks” after “by the Board”;
16 (4) in paragraph (3)(A)(ii)—
17 (A) by inserting “or the Federal Reserve
18 banks” after “by the Board”; and

1 (B) by inserting “participating in or” after
2 “any entity”; and

Page 1772, line 9, strike “, as” and insert “,, as”.

Page 1773, after line 7, insert the following new section (and redesignate subsequent sections accordingly):

3 **SEC. 1303. AUTHORIZED ASSESSMENTS TO RECOUP ANY**
4 **TARP SHORTFALL.**

5 Section 134 of the Emergency Economic Stabilization
6 Act of 2008 is amended—

7 (1) by striking “Upon” and inserting the following:
8

9 “(a) IN GENERAL.—Upon”; and

10 (2) by adding at the end the following new subsection:
11

12 “(b) AUTHORIZED ASSESSMENTS.—

13 “(1) IN GENERAL.—The Federal Deposit Insurance
14 Corporation is authorized to make risk-based
15 assessments on financial companies in such amount
16 and manner and subject to such terms and conditions
17 as the Federal Deposit Insurance Corporation
18 determines, consistent with the processes established
19 under section 210(a) of the Restoring American Financial
20 Stability Act of 2010 and in consultation
21 with the Secretary and the Board of Governors of

1 the Federal Reserve System, necessary to recoup
2 any shortfall within the Troubled Asset Relief Pro-
3 gram that would add to the deficit or the national
4 debt, as identified by the Director of the Office of
5 Management and Budget, in consultation with the
6 Secretary.

7 “(2) FINANCIAL COMPANY DEFINED.—For pur-
8 poses of this subsection, the term ‘financial com-
9 pany’ shall have the meaning given such term under
10 section 201 of the Restoring American Financial
11 Stability Act of 2010.”.

Strike section 1502 and insert the following:

12 **SEC. 1502. CONFLICT MINERALS.**

13 (a) SENSE OF CONGRESS ON EXPLOITATION AND
14 TRADE OF CONFLICT MINERALS ORIGINATING IN THE
15 DEMOCRATIC REPUBLIC OF THE CONGO.—It is the sense
16 of Congress that the exploitation and trade of conflict min-
17 erals originating in the Democratic Republic of the Congo
18 is helping to finance conflict characterized by extreme lev-
19 els of violence in the eastern Democratic Republic of the
20 Congo, particularly sexual- and gender-based violence, and
21 contributing to an emergency humanitarian situation
22 therein, warranting the provisions of section 13(o) of the
23 Securities Exchange Act of 1934, as added by subsection
24 (b).

1 (b) DISCLOSURE RELATING TO CONFLICT MINERALS
2 ORIGINATING IN THE DEMOCRATIC REPUBLIC OF THE
3 CONGO.—Section 13 of the Securities Exchange Act of
4 1934 (15 U.S.C. 78m) is amended by adding at the end
5 the following new subsection:

6 “(o) DISCLOSURES RELATING TO CONFLICT MIN-
7 ERALS ORIGINATING IN THE DEMOCRATIC REPUBLIC OF
8 THE CONGO.—

9 “(1) REGULATIONS.—

10 “(A) IN GENERAL.—Not later than 270
11 days after the date of the enactment of this
12 subsection, the Commission shall promulgate
13 regulations requiring any person described in
14 paragraph (2) to disclose annually, beginning
15 with the person’s first full fiscal year that be-
16 gins after the date of promulgation of such reg-
17 ulations, whether conflict minerals that are nec-
18 essary as described in paragraph (2)(B), in the
19 year for which such reporting is required, did or
20 did not originate in the Democratic Republic of
21 Congo or an adjoining country and, in cases in
22 which such conflict minerals did originate in
23 any such country, submit to the Commission a
24 report that includes, with respect to the period
25 covered by the report—

1 “(i) a description of the measures
2 taken by the person, which shall include an
3 independent private sector audit conducted
4 in accordance with standards established
5 by the Comptroller General of the United
6 States, in consultation with the Secretary
7 of State, to exercise due diligence on the
8 source and chain of custody of such min-
9 erals; and

10 “(ii) a description of the products
11 manufactured or contracted to be manu-
12 factured that are not conflict free, the enti-
13 ty that conducted the independent private
14 sector audit in accordance with clause (i),
15 the facilities used to process the conflict
16 minerals, the country of origin of the con-
17 flict minerals, and the efforts to determine
18 the mine or location of origin with the
19 greatest possible specificity.

20 “(B) CERTIFICATION.—The person sub-
21 mitting a report under subparagraph (A) shall
22 certify the audit described in clause (i) of such
23 subparagraph that is included in such report.
24 Such a certified audit shall constitute due dili-

1 gence in establishing the source and chain of
2 custody of such minerals.

3 “(C) UNRELIABLE DETERMINATION.—If a
4 report required to be submitted by a person
5 under subparagraph (A) relies on a determina-
6 tion of an independent private sector audit, as
7 described under subparagraph (A)(i), or other
8 due diligence processes determined by the Com-
9 mission to be unreliable, the report shall not
10 satisfy the requirements of the regulations pro-
11 mulgated under subparagraph (A)(i).

12 “(D) INFORMATION AVAILABLE TO THE
13 PUBLIC.—Each person described under para-
14 graph (2) shall make available to the public on
15 the Internet website of such person the infor-
16 mation disclosed by such person under subpara-
17 graph (A).

18 “(2) PERSON DESCRIBED.—A person is de-
19 scribed in this paragraph if—

20 “(A) the person is required to file reports
21 with the Commission pursuant to paragraph
22 (1)(A); and

23 “(B) conflict minerals are necessary to the
24 functionality or production of a product manu-
25 factured by such person.

1 “(3) REVISIONS AND WAIVERS.—The Commis-
2 sion shall revise or temporarily waive the require-
3 ments described in paragraph (1) if the President
4 transmits to the Commission a determination that—

5 “(A) such revision or waiver is in the na-
6 tional security interest of the United States and
7 the President includes the reasons therefor; and

8 “(B) establishes a date, not later than 2
9 years after the initial publication of such ex-
10 emption, on which such exemption shall expire.

11 “(4) TERMINATION OF DISCLOSURE REQUIRE-
12 MENTS.—The requirements of paragraph (1) shall
13 terminate on the date on which the President deter-
14 mines and certifies to the appropriate congressional
15 committees, but in no case earlier than the date that
16 is one day after the end of the five-year period be-
17 ginning on the date of the enactment of this sub-
18 section, that no armed groups continue to be directly
19 involved and benefitting from commercial activity in-
20 volving conflict minerals.

21 “(5) DEFINITIONS.—For purposes of this sub-
22 section, the terms ‘adjoining country’, ‘appropriate
23 congressional committees’, ‘armed group’, and ‘con-
24 flict mineral’ have the meaning given those terms

1 under section 1502 of the [Short Title of Financial
2 Reform Bill].”.

3 (c) STRATEGY AND MAP TO ADDRESS LINKAGES BE-
4 TWEEN CONFLICT MINERALS AND ARMED GROUPS.—

5 (1) STRATEGY.—

6 (A) IN GENERAL.—Not later than 180
7 days after the date of the enactment of this
8 Act, the Secretary of State, in consultation with
9 the Administrator of the United States Agency
10 for International Development, shall submit to
11 the appropriate congressional committees a
12 strategy to address the linkages between human
13 rights abuses, armed groups, mining of conflict
14 minerals, and commercial products.

15 (B) CONTENTS.—The strategy required by
16 subparagraph (A) shall include the following:

17 (i) A plan to promote peace and secu-
18 rity in the Democratic Republic of the
19 Congo by supporting efforts of the Govern-
20 ment of the Democratic Republic of the
21 Congo, including the Ministry of Mines
22 and other relevant agencies, adjoining
23 countries, and the international commu-
24 nity, in particular the United Nations

1 Group of Experts on the Democratic Re-
2 public of Congo, to—

3 (I) monitor and stop commercial
4 activities involving the natural re-
5 sources of the Democratic Republic of
6 the Congo that contribute to the ac-
7 tivities of armed groups and human
8 rights violations in the Democratic
9 Republic of the Congo; and

10 (II) develop stronger governance
11 and economic institutions that can fa-
12 cilitate and improve transparency in
13 the cross-border trade involving the
14 natural resources of the Democratic
15 Republic of the Congo to reduce ex-
16 ploitation by armed groups and pro-
17 mote local and regional development.

18 (ii) A plan to provide guidance to
19 commercial entities seeking to exercise due
20 diligence on and formalize the origin and
21 chain of custody of conflict minerals used
22 in their products and on their suppliers to
23 ensure that conflict minerals used in the
24 products of such suppliers do not directly

1 or indirectly finance armed conflict or re-
2 sult in labor or human rights violations.

3 (iii) A description of punitive meas-
4 ures that could be taken against individ-
5 uals or entities whose commercial activities
6 are supporting armed groups and human
7 rights violations in the Democratic Repub-
8 lic of the Congo.

9 (2) MAP.—

10 (A) IN GENERAL.—Not later than 180
11 days after the date of the enactment of this
12 Act, the Secretary of State shall, in accordance
13 with the recommendation of the United Nations
14 Group of Experts on the Democratic Republic
15 of the Congo in their December 2008 report—

16 (i) produce a map of mineral-rich
17 zones, trade routes, and areas under the
18 control of armed groups in the Democratic
19 Republic of the Congo and adjoining coun-
20 tries based on data from multiple sources,
21 including—

22 (I) the United Nations Group of
23 Experts on the Democratic Republic
24 of the Congo;

1 (II) the Government of the
2 Democratic Republic of the Congo,
3 the governments of adjoining coun-
4 tries, and the governments of other
5 Member States of the United Nations;
6 and

7 (III) local and international non-
8 governmental organizations;

9 (ii) make such map available to the
10 public; and

11 (iii) provide to the appropriate con-
12 gressional committees an explanatory note
13 describing the sources of information from
14 which such map is based and the identi-
15 fication, where possible, of the armed
16 groups or other forces in control of the
17 mines depicted.

18 (B) DESIGNATION.—The map required
19 under subparagraph (A) shall be known as the
20 “Conflict Minerals Map”, and mines located in
21 areas under the control of armed groups in the
22 Democratic Republic of the Congo and adjoin-
23 ing countries, as depicted on such Conflict Min-
24 erals Map, shall be known as “Conflict Zone
25 Mines”.

1 (C) UPDATES.—The Secretary of State
2 shall update the map required under subpara-
3 graph (A) not less frequently than once every
4 180 days until the date on which the disclosure
5 requirements under paragraph (1) of section
6 13(o) of the Securities Exchange Act of 1934,
7 as added by subsection (b), terminate in accord-
8 ance with the provisions of paragraph (4) of
9 such section 13(o).

10 (D) PUBLICATION IN FEDERAL REG-
11 ISTER.—The Secretary of State shall add min-
12 erals to the list of minerals in the definition of
13 conflict minerals under section 1305, as appro-
14 priate. The Secretary shall publish in the Fed-
15 eral Register notice of intent to declare a min-
16 eral as a conflict mineral included in such defi-
17 nition not later than one year before such dec-
18 laration.

19 (d) REPORTS.—

20 (1) BASELINE REPORT.—Not later than 1 year
21 after the date of the enactment of this Act and an-
22 nually thereafter until the termination of the disclo-
23 sure requirements under section 13(o) of the Securi-
24 ties Exchange Act of 1934, the Comptroller General
25 of the United States shall submit to appropriate con-

1 gressional committees a report that includes an as-
2 sessment of the rate of sexual- and gender-based vio-
3 lence in war-torn areas of the Democratic Republic
4 of the Congo and adjoining countries.

5 (2) REGULAR REPORT ON EFFECTIVENESS.—

6 Not later than 2 years after the date of the enact-
7 ment of this Act and annually thereafter, the Comp-
8 troller General of the United States shall submit to
9 the appropriate congressional committees a report
10 that includes the following:

11 (A) An assessment of the effectiveness of
12 section 13(o) of the Securities Exchange Act of
13 1934, as added by subsection (b), in promoting
14 peace and security in the Democratic Republic
15 of the Congo and adjoining countries.

16 (B) A description of issues encountered by
17 the Securities and Exchange Commission in
18 carrying out the provisions of such section
19 13(o).

20 (3) REPORT ON PRIVATE SECTOR AUDITING.—

21 Not later than 30 months after the date of the en-
22 actment of this Act and annually thereafter, the Sec-
23 retary of Commerce shall submit to the appropriate
24 congressional committees a report that includes the
25 following:

1 (A) An assessment of the accuracy of the
2 independent private sector audits and other due
3 diligence processes described under section
4 13(o) of the Securities Exchange Act of 1934.

5 (B) Recommendations for the processes
6 used to carry out such audits, including ways
7 to—

8 (i) improve the accuracy of such au-
9 dits; and

10 (ii) establish standards of best prac-
11 tices.

12 (C) A listing of all known conflict mineral
13 processing facilities worldwide.

14 (e) DEFINITIONS.—For purposes of this section:

15 (1) ADJOINING COUNTRY.—The term “adjoin-
16 ing country”, with respect to the Democratic Repub-
17 lic of the Congo, means a country that shares an
18 internationally recognized border with the Demo-
19 cratic Republic of the Congo.

20 (2) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

23 (A) the Committee on Appropriations, the
24 Committee on Foreign Affairs, the Committee
25 on Ways and Means, and the Committee on Fi-

1 nancial Services of the House of Representa-
2 tives; and

3 (B) the Committee on Appropriations, the
4 Committee on Foreign Relations, the Com-
5 mittee on Finance, and the Committee on
6 Banking, Housing, and Urban Affairs of the
7 Senate.

8 (3) ARMED GROUP.—The term “armed group”
9 means an armed group that is identified as perpetra-
10 tors of serious human rights abuses in the annual
11 Country Reports on Human Rights Practices under
12 sections 116(d) and 502B(b) of the Foreign Assist-
13 ance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b))
14 relating to the Democratic Republic of the Congo or
15 an adjoining country.

16 (4) CONFLICT MINERAL.—The term “conflict
17 mineral” means—

18 (A) columbite-tantalite (coltan), cassiterite,
19 gold, wolframite, or their derivatives; or

20 (B) any other mineral or its derivatives de-
21 termined by the Secretary of State to be financ-
22 ing conflict in the Democratic Republic of the
23 Congo or an adjoining country.

24 (5) UNDER THE CONTROL OF ARMED
25 GROUPS.—The term “under the control of armed

1 groups” means areas within the Democratic Repub-
2 lic of the Congo or adjoining countries in which
3 armed groups—

4 (A) physically control mines or force labor
5 of civilians to mine, transport, or sell conflict
6 minerals;

7 (B) tax, extort, or control any part of
8 trade routes for conflict minerals, including the
9 entire trade route from a Conflict Zone Mine to
10 the point of export from the Democratic Repub-
11 lic of the Congo or an adjoining country; or

12 (C) tax, extort, or control trading facilities,
13 in whole or in part, including the point of ex-
14 port from the Democratic Republic of the
15 Congo or an adjoining country.

Add at the end the following new sections:

16 **SEC. 1503. ELEVATION OF CERTAIN INSPECTORS GENERAL**
17 **TO APPOINTMENT PURSUANT TO SECTION 3**
18 **OF THE INSPECTOR GENERAL ACT OF 1978.**

19 (a) INCLUSION IN CERTAIN DEFINITIONS.—Section
20 12 of the Inspector General Act of 1978 (5 U.S.C. App.)
21 is amended—

22 (1) in paragraph (1), by striking “or the Fed-
23 eral Cochairpersons of the Commissions established
24 under section 15301 of title 40, United States

1 Code;” and inserting “the Federal Cochairpersons of
2 the Commissions established under section 15301 of
3 title 40, United States Code; or the Chairman of the
4 Board of Governors of the Federal Reserve Sys-
5 tem;”; and

6 (2) in paragraph (2), by striking “or the Com-
7 missions established under section 15301 of title 40,
8 United States Code,” and inserting “the Commis-
9 sions established under section 15301 of title 40,
10 United States Code, or the Board of Governors of
11 the Federal Reserve System,”.

12 (b) EXCLUSION FROM DEFINITION OF DESIGNATED
13 FEDERAL ENTITY.—Section 8G(a)(2) of the Inspector
14 General Act of 1978 (5 U.S.C. App.) is amended by strik-
15 ing “the Board of Governors of the Federal Reserve Sys-
16 tem,”.

17 **SEC. 1504. CONTINUATION OF PROVISIONS RELATING TO**
18 **PERSONNEL.**

19 (a) IN GENERAL.—The Inspector General Act of
20 1978 (5 U.S.C. App.) is amended by inserting after sec-
21 tion 8L the following:

22 **“SEC. 8M. SPECIAL PROVISIONS CONCERNING CERTAIN ES-**
23 **TABLISHMENTS.**

24 **“(a) PROVISIONS RELATING TO THE BOARD OF GOV-**
25 **ERNORS OF THE FEDERAL RESERVE SYSTEM.—**

1 “(1) PROVISIONS RELATING TO INSPECTORS
2 GENERAL.—In the case of the Inspector General of
3 the Board of Governors of the Federal Reserve Sys-
4 tem, subsections (b) and (c) of section 4 of the In-
5 specter General Reform Act of 2008 (Public Law
6 110–409) shall apply in the same manner as if the
7 Board of Governors of the Federal Reserve System
8 were a designated Federal entity under section 8G.
9 An Inspector General who is subject to the preceding
10 sentence shall not be subject to section 3(e).

11 “(2) PROVISIONS RELATING TO OTHER PER-
12 SONNEL.—Notwithstanding paragraphs (7) and (8)
13 of section 6(a), the Inspector General of the Board
14 of Governors of the Federal Reserve System may se-
15 lect, appoint, and employ such officers and employ-
16 ees as may be necessary for carrying out the func-
17 tions, powers, and duties of the Office of Inspector
18 General and to obtain the temporary or intermittent
19 services of experts or consultants or an organization
20 of experts or consultants, subject to the applicable
21 laws and regulations that govern such selections, ap-
22 pointments, and employment, and the obtaining of
23 such services, within such establishment.

24 “(b) PROVISION RELATING TO THE BOARD OF GOV-
25 ERNORS OF THE FEDERAL RESERVE SYSTEM.—The pro-

visions of subsection (a) of section 8D (other than the provisions of subparagraphs (A), (B), (C), and (E) of paragraph (1) of such subsection (a)) shall apply to the Inspector General of the Board of Governors of the Federal Reserve System and the Chairman of the Board of Governors of the Federal Reserve System in the same manner as such provisions apply to the Inspector General of the Department of the Treasury and the Secretary of the Treasury, respectively.”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

SEC. 1505. EFFECTIVE DATE; TRANSITION RULE.

(a) EFFECTIVE DATE.—The amendments made by sections 1503 and 1504 shall take effect 30 days after the date of the enactment of this Act.

(b) TRANSITION RULE.—An individual serving as Inspector General of the Board of Governors of the Federal Reserve System on the effective date of this section pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—

(1) may continue so serving until the President makes an appointment under section 3(a) of such Act with respect to the Board of Governors of the

1 Federal Reserve System, consistent with the amend-
2 ments made by sections 1503 and 1504; and

3 (2) shall, while serving under paragraph (1), re-
4 main subject to the provisions of section 8G of such
5 Act which, immediately before the effective date of
6 this Act, applied with respect to the Inspector Gen-
7 eral of the Board of Governors of the Federal Re-
8 serve System, and suffer no reduction in pay.

9 **SEC. 1506. STUDY BY THE COMPTROLLER GENERAL.**

10 (a) IN GENERAL.—Not later than one year after the
11 date of enactment of this Act, the Comptroller General
12 of the United States shall issue a report assessing the rel-
13 ative independence of presidentially appointed inspectors
14 general and inspectors general of designated Federal enti-
15 ties, as such term is defined under section 8G of the In-
16 spector General Act of 1978, and the effects on independ-
17 ence of the amendments to the Inspector General Act of
18 1978 made by this Act.

19 (b) REPORT.—The report required by subsection (a)
20 shall be issued to the Committees on Financial Services
21 and Oversight and Government Reform of the House of
22 Representatives and the Committee on Banking, Housing,
23 and Urban Affairs and Homeland Security and Govern-
24 mental Affairs of the Senate.

1 **SEC. 1507. DEPOSIT RESTRICTED QUALIFIED TUITION PRO-**
2 **GRAMS.**

3 Section 18 of the Federal Deposit Insurance Act (12
4 U.S.C. 1828) is amended by adding at the end the fol-
5 lowing new subsection:

6 “(y) DEPOSIT RESTRICTED QUALIFIED TUITION
7 PROGRAMS.—

8 “(1) DEFINITIONS.—For purposes of this sub-
9 section, the following definitions shall apply:

10 “(A) DEPOSIT RESTRICTED QUALIFIED
11 TUITION PROGRAM.—The term ‘deposit re-
12 stricted qualified tuition program’ means a
13 qualified tuition program in which—

14 “(i) the cash provided by a contrib-
15 utor to such a qualified tuition program
16 may be invested only in deposits insured by
17 the Corporation;

18 “(ii) the contributor may become a
19 participant in the program by depositing
20 funds through the program into an account
21 at a depository institution participating in
22 the program; and

23 “(iii) the program may include mul-
24 tiple depository institutions, subject to the
25 requirements of section 529 of the Internal
26 Revenue Code of 1986, as amended.

1 “(B) QUALIFIED TUITION PROGRAM.—The
2 term ‘qualified tuition program’ has the same
3 meaning as in section 529 of the Internal Rev-
4 enue Code of 1986, as amended.

5 “(2) TREATMENT.—Notwithstanding any other
6 provision of the law, the following provisions shall
7 apply with respect to any deposit restricted qualified
8 tuition program:

9 “(A) A deposit restricted qualified tuition
10 program shall be deemed to be an ‘identified
11 banking product’ (as defined in Section 206 of
12 the Gramm-Leach-Bliley Act of 1999) for pur-
13 poses of the Securities Exchange Act of 1934.

14 “(B) None of the following shall be treated
15 as a security, as defined in section 2(a)(1) the
16 Securities Act of 1933, section 3(a)(10) of the
17 Securities Exchange Act of 1934, or section
18 2(a)(36) of the Investment Company Act of
19 1940:

20 “(i) The deposits of cash at an in-
21 sured depository institution relating to a
22 deposit restricted tuition program.

23 “(ii) Any certificate of deposit or
24 other instrument of an insured depository
25 institution evidencing any such deposit.

1 “(iii) The rights and obligations of
2 participants in a deposit restricted quali-
3 fied tuition program arising from section
4 529 of the Internal Revenue Code, as
5 amended.

6 “(C) In no event shall a deposit restricted
7 qualified tuition program, the State entity des-
8 ignated by statute to oversee such program, the
9 administrator appointed to operate the program
10 on behalf of the State or a participating deposi-
11 tory institution, be deemed to be an issuer of a
12 security or to be an investment company (as de-
13 fined in section 3(a) of the Investment Com-
14 pany Act of 1940).”.

