



1           “(ii)(I) The Board shall establish proce-  
2           dures to prohibit borrowing from programs and  
3           facilities by borrowers that are insolvent. A bor-  
4           rower shall not be eligible to borrow from any  
5           emergency lending program or facility unless  
6           the Board and all Federal banking regulators  
7           with jurisdiction over the borrower certify that,  
8           at the time the borrower initially borrows under  
9           the program or facility, the borrower is not in-  
10          solvent. Solvency shall be assessed by examining  
11          the last 4 months of relevant financial data and  
12          determining whether the fair value of the bor-  
13          rower’s assets exceeds the fair value of the bor-  
14          rower’s liabilities, with appropriate adjustment  
15          for temporary illiquidity in relevant markets.

16           “(II) A borrower shall be considered insol-  
17          vent for purposes of this subparagraph if the  
18          borrower is—

19                   “(aa) in bankruptcy, resolution under  
20                   title II of the Dodd-Frank Wall Street Re-  
21                   form and Consumer Protection Act (12  
22                   U.S.C. 5381 et seq.), or any other Federal  
23                   or State insolvency proceeding; or

24                   “(bb) a bridge financial company (as  
25                   defined in section 201(a) of the Dodd-

1 Frank Wall Street Reform and Consumer  
2 Protection Act (12 U.S.C. 5381(a))) or a  
3 bridge depository institution (as defined in  
4 section 3 of the Federal Deposit Insurance  
5 Act (12 U.S.C. 1813)).

6 “(III) If the Board or any other banking  
7 regulator makes a certification of solvency, the  
8 Board or banking regulator, as applicable, shall  
9 issue a contemporaneous public statement pro-  
10 viding a detailed explanation of the certification  
11 decision.

12 “(iii) A program or facility shall be consid-  
13 ered a program or facility with broad-based eli-  
14 gibility only if not fewer than 5 companies are  
15 eligible to participate in the program or facility  
16 in a significant manner.”.

17 **SEC. 3. PENALTY RATE REQUIREMENT; CONGRESSIONAL**  
18 **APPROVAL REQUIREMENT.**

19 Section 13(3) of the Federal Reserve Act (12 U.S.C.  
20 343(3)) is amended by adding at the end the following:

21 “(F) Any emergency lending under this  
22 paragraph shall be provided at an annual inter-  
23 est rate not less than 500 basis points greater  
24 than the cost of borrowing for the United  
25 States Treasury for a commensurate loan term.

1           “(G)(i) If the Board determines that the  
2 Board shall create an emergency lending pro-  
3 gram or facility that does not comply with the  
4 broad-based eligibility requirement described in  
5 subparagraph (B)(iii) or the penalty rate re-  
6 quirement described in subparagraph (F), the  
7 Board—

8           “(I) may create such a program or fa-  
9 cility; and

10           “(II) not later than 3 days after the  
11 date on which a program or facility is cre-  
12 ated under clause (i), shall submit to Con-  
13 gress a report that describes the reasons  
14 why the Board is unable to comply with  
15 any requirement described in the matter  
16 preceding subclause (I).

17           “(ii)(I) A program or facility created under  
18 clause (i)(I) shall terminate on the date that is  
19 30 calendar days after the date on which Con-  
20 gress receives a report described in clause  
21 (i)(II) unless there is enacted into law a joint  
22 resolution approving the program or facility not  
23 later than 30 calendar days after the date on  
24 which the report is received. Any loan offered  
25 through the program or facility that are out-

1 standing as of the date on which the facility is  
2 terminated shall be repaid in full not later than  
3 30 calendar days after the date on which the  
4 program or facility is terminated.

5 “(II) For the purpose of this section, the  
6 term ‘joint resolution’ means only a joint reso-  
7 lution—

8 “(aa) that is introduced not later than  
9 3 calendar days after the date on which  
10 the report referred to in clause (i)(I) is re-  
11 ceived by Congress;

12 “(bb) that does not have a preamble;

13 “(cc) the title of which is as follows:  
14 ‘Joint resolution relating to the approval of  
15 a program or facility created by the Board  
16 of Governors of the Federal Reserve Sys-  
17 tem’; and

18 “(dd) the matter after the resolving  
19 clause of which is as follows: ‘That Con-  
20 gress approves the program or facility cre-  
21 ated by the Board of Governors of the  
22 Federal Reserve System on  
23 \_\_\_\_\_.’ (The blank space  
24 being appropriately filled in).

1           “(III)(aa) Upon receipt of a report under  
2 subsection (a)(3), the Speaker, if the House  
3 would otherwise be adjourned, shall notify the  
4 Members of the House that, pursuant to this  
5 section, the House shall convene not later than  
6 the second calendar day after receipt of such  
7 report.

8           “(bb) Any committee of the House of Rep-  
9 resentatives to which a joint resolution is re-  
10 ferred shall report it to the House not later  
11 than 5 calendar days after the date of receipt  
12 of the report described in clause (i)(II). If a  
13 committee fails to report the joint resolution  
14 within that period, the committee shall be dis-  
15 charged from further consideration of the joint  
16 resolution and the joint resolution shall be re-  
17 ferred to the appropriate calendar.

18           “(cc) After each committee authorized to  
19 consider a joint resolution reports it to the  
20 House or has been discharged from its consid-  
21 eration, it shall be in order, not later than the  
22 sixth day after Congress receives the report de-  
23 scribed in clause (i)(II), to move to proceed to  
24 consider the joint resolution in the House. All  
25 points of order against the motion are waived.

1           Such a motion shall not be in order after the  
2           House has disposed of a motion to proceed on  
3           the joint resolution. The previous question shall  
4           be considered as ordered on the motion to its  
5           adoption without intervening motion. The mo-  
6           tion shall not be debatable. A motion to recon-  
7           sider the vote by which the motion is disposed  
8           of shall not be in order.

9           “(dd) The joint resolution shall be consid-  
10          ered as read. All points of order against the  
11          joint resolution and against its consideration  
12          are waived. The previous question shall be con-  
13          sidered as ordered on the joint resolution to its  
14          passage without intervening motion except 2  
15          hours of debate equally divided and controlled  
16          by the proponent and an opponent. A motion to  
17          reconsider the vote on passage of the joint reso-  
18          lution shall not be in order.

19          “(IV)(aa) Upon receipt of a report under clause  
20          (i)(II), if the Senate has adjourned or recessed for  
21          more than 2 days, the majority leader of the Senate,  
22          after consultation with the minority leader of the  
23          Senate, shall notify the Members of the Senate that,  
24          pursuant to this subparagraph, the Senate shall con-

1       vene not later than the second calendar day after re-  
2       ceipt of such message.

3           “(bb) Upon introduction in the Senate, the  
4       joint resolution shall be placed immediately on the  
5       calendar.

6           “(cc)(AA) Notwithstanding Rule XXII of the  
7       Standing Rules of the Senate, it is in order at any  
8       time during the period beginning on the fourth day  
9       after the date on which Congress receives a report  
10      described in clause (i)(II) and ending on the sixth  
11      day after the date on which Congress receives the  
12      report (even though a previous motion to the same  
13      effect has been disagreed to) to move to proceed to  
14      the consideration of the joint resolution, and all  
15      points of order against the joint resolution (and  
16      against consideration of the joint resolution) are  
17      waived. The motion to proceed is not debatable. The  
18      motion is not subject to a motion to postpone. A mo-  
19      tion to reconsider the vote by which the motion is  
20      agreed to or disagreed to shall not be in order. If  
21      a motion to proceed to the consideration of the reso-  
22      lution is agreed to, the joint resolution shall remain  
23      the unfinished business until disposed of.

24           “(BB) Debate on the joint resolution, and on  
25      all debatable motions and appeals in connection



1       therewith, shall be limited to not more than 10  
2       hours, which shall be divided equally between the  
3       majority and minority leaders or their designees. A  
4       motion further to limit debate is in order and not  
5       debatable. An amendment to, or a motion to post-  
6       pone, or a motion to proceed to the consideration of  
7       other business, or a motion to recommit the joint  
8       resolution is not in order.

9           “(CC) The vote on passage shall occur imme-  
10       diately following the conclusion of the debate on a  
11       joint resolution, and a single quorum call at the con-  
12       clusion of the debate if requested in accordance with  
13       the rules of the Senate.

14           “(DD) Appeals from the decisions of the Chair  
15       relating to the application of the rules of the Senate,  
16       as the case may be, to the procedure relating to a  
17       joint resolution shall be decided without debate.

18           “(V)(aa) If, before the passage by one House of a  
19       joint resolution of that House, that House receives from  
20       the other House a joint resolution, then the following pro-  
21       cedures shall apply:

22           “(AA) The joint resolution of the other House  
23       shall not be referred to a committee.

24           “(BB) With respect to a joint resolution of the  
25       House receiving the resolution—

1           “(CC) the procedure in that House shall be the  
2           same as if no joint resolution had been received from  
3           the other House; but

4           “(DD) the vote on passage shall be on the joint  
5           resolution of the other House.

6           “(bb) If one House fails to introduce or consider a  
7           joint resolution under this section, the joint resolution of  
8           the other House shall be entitled to expedited floor proce-  
9           dures under this section.

10          “(cc) If, following passage of the joint resolution in  
11          the Senate, the Senate then receives the companion meas-  
12          ure from the House of Representatives, the companion  
13          measure shall not be debatable.

14          “(dd) If the President vetoes the joint resolution, the  
15          period beginning on the date the President vetoes the joint  
16          resolution and ending on the date the Congress receives  
17          the veto message with respect to the joint resolution shall  
18          be disregarded in computing the 30-calendar day period  
19          described in subclause (I) and debate on a veto message  
20          in the Senate under this section shall be 1 hour equally  
21          divided between the majority and minority leaders or their  
22          designees.

23          “(ee) This subclause and subclauses (II), (III), and  
24          (IV) are enacted by Congress—

1           “(AA) as an exercise of the rulemaking power  
2           of the Senate and House of Representatives, respec-  
3           tively, and as such it is deemed a part of the rules  
4           of each House, respectively, but applicable only with  
5           respect to the procedure to be followed in that  
6           House in the case of a joint resolution, and it super-  
7           sedes other rules only to the extent that it is incon-  
8           sistent with such rules; and

9           “(BB) with full recognition of the constitutional  
10          right of either House to change the rules (so far as  
11          relating to the procedure of that House) at any time,  
12          in the same manner, and to the same extent as in  
13          the case of any other rule of that House.”.

14 **SEC. 4. REGULATION OF CERTAIN FINANCIAL HOLDING**  
15 **COMPANIES.**

16          (a) **IN GENERAL.**—Section 4 of the Bank Holding  
17 Company Act of 1956 (12 U.S.C. 1843) is amended by  
18 striking subsection (o).

19          (b) **EFFECTIVE DATE.**—The amendment made by  
20 subsection (a) shall take effect on the date that is 5 years  
21 after the date of enactment of this Act.