

115TH CONGRESS  
1ST SESSION

# H. R. 859

To prevent conflicts of interest that stem from executive Government employees receiving bonuses or other compensation arrangements from non-government sources, from the revolving door that raises concerns about the independence of financial services regulators, and from the revolving door that casts aspersions over the awarding of Government contracts and other financial benefits.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2017

Mr. CUMMINGS introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To prevent conflicts of interest that stem from executive Government employees receiving bonuses or other compensation arrangements from nongovernment sources, from the revolving door that raises concerns about the independence of financial services regulators, and from the revolving door that casts aspersions over the awarding of Government contracts and other financial benefits.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Financial Services  
3 Conflict of Interest Act”.

4 **SEC. 2. RESTRICTIONS ON PRIVATE SECTOR PAYMENT FOR**  
5 **GOVERNMENT SERVICE.**

6 Section 209 of title 18, United States Code, is  
7 amended—

8 (1) in subsection (a)—

9 (A) by striking “any salary” and inserting  
10 “any bonus or salary”; and

11 (B) by striking “his services” and inserting  
12 “services rendered or to be rendered”; and

13 (2) in subsection (b)—

14 (A) by inserting “(1)” after “(b)”; and

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

16 “(2) For purposes of paragraph (1), a pension, retire-  
17 ment, group life, health or accident insurance, profit-shar-  
18 ing, stock bonus, or other employee welfare or benefit plan  
19 that makes payment of compensation contingent on ac-  
20 cepting a position in the Federal Government shall not  
21 be considered bona fide.

22 “(3) For purposes of paragraph (2), compensation in-  
23 cludes a retention award or bonus, severance pay, and any  
24 other payment linked to future service in the Federal Gov-  
25 ernment in any way.”.

1 **SEC. 3. REQUIREMENTS RELATING TO SLOWING THE RE-**  
2 **VOLVING DOOR AMONG FINANCIAL SERVICES**  
3 **REGULATORS.**

4 (a) IN GENERAL.—The Ethics in Government Act of  
5 1978 (5 U.S.C. App.) is amended by adding at the end  
6 the following:

7 **“TITLE VI—SPECIAL REQUIRE-**  
8 **MENTS FOR FINANCIAL SERV-**  
9 **ICES REGULATORS**

10 **“SEC. 601. DEFINITIONS.**

11 “(a) IN GENERAL.—In this title, the terms ‘des-  
12 ignated agency ethics official’ and ‘executive branch’ have  
13 the meanings given those terms under section 109.

14 “(b) OTHER DEFINITIONS.—In this title:

15 “(1) COVERED FINANCIAL SERVICES AGENCY.—

16 The term ‘covered financial services agency’—

17 “(A) means a primary financial regulatory  
18 agency (as defined in section 2 of the Dodd-  
19 Frank Wall Street Reform and Consumer Pro-  
20 tection Act (12 U.S.C. 5301)); and

21 “(B) includes—

22 “(i) the Board of Governors of the  
23 Federal Reserve System;

24 “(ii) the Office of the Comptroller of  
25 the Currency;

1 “(iii) the Federal Deposit Insurance  
2 Corporation;

3 “(iv) the National Credit Union Ad-  
4 ministration;

5 “(v) the Securities and Exchange  
6 Commission;

7 “(vi) the Federal Housing Finance  
8 Agency;

9 “(vii) the Bureau of Consumer Finan-  
10 cial Protection;

11 “(viii) the Commodity Futures Trad-  
12 ing Commission;

13 “(ix) the Department of the Treasury;

14 “(x) the National Economic Council;

15 and

16 “(xi) the Council of Economic Advi-  
17 sors.

18 “(2) COVERED FINANCIAL SERVICES REGU-  
19 LATOR.—The term ‘covered financial services regu-  
20 lator’ means an officer or employee of a covered fi-  
21 nancial services agency who occupies—

22 “(A) a supervisory position classified above  
23 GS–15 of the General Schedule;

24 “(B) in the case of a position not under  
25 the General Schedule, a supervisory position for

1           which the rate of basic pay is not less than 120  
2           percent of the minimum rate of basic pay for  
3           GS–15 of the General Schedule; or

4           “(C) any other supervisory position deter-  
5           mined to be of equal classification by the Direc-  
6           tor.

7           “(3) DIRECTOR.—The term ‘Director’ means  
8           the Director of the Office of Government Ethics.

9           “(4) FORMER CLIENT.—The term ‘former cli-  
10          ent’—

11           “(A) means a person for whom a covered  
12           financial services regulator served personally as  
13           an agent, attorney, or consultant during the 2-  
14           year period ending on the date (after such serv-  
15           ice) on which the covered financial services reg-  
16           ulator begins service in the Federal Govern-  
17           ment; and

18           “(B) does not include—

19           “(i) instances in which the service  
20           provided was limited to a speech or similar  
21           appearance; or

22           “(ii) a client of the former employer  
23           of the covered financial services regulator  
24           to whom the covered financial services reg-

1                   ulator did not personally provide such serv-  
2                   ices.

3                   “(5) FORMER EMPLOYER.—The term ‘former  
4                   employer’—

5                   “(A) means a person for whom a covered  
6                   financial services regulator served as an em-  
7                   ployee, officer, director, trustee, or general part-  
8                   ner during the 2-year period ending on the date  
9                   (after such service) on which the covered finan-  
10                  cial services regulator begins service in the Fed-  
11                  eral Government; and

12                  “(B) does not include—

13                         “(i) an entity in the Federal Govern-  
14                         ment, including an executive branch agen-  
15                         cy;

16                         “(ii) a State or local government;

17                         “(iii) the District of Columbia;

18                         “(iv) an Indian tribe, as defined in  
19                         section 4 of the Indian Self-Determination  
20                         and Education Assistance Act (25 U.S.C.  
21                         5304); or

22                         “(v) the government of a territory or  
23                         possession of the United States.

1 **“SEC. 602. CONFLICT OF INTEREST AND ELIGIBILITY**  
2 **STANDARDS FOR FINANCIAL SERVICES REG-**  
3 **ULATORS.**

4 “(a) IN GENERAL.—A covered financial services reg-  
5 ulator shall not make, participate in making, or in any  
6 way attempt to use the official position of the covered fi-  
7 nancial services regulator to influence a particular matter  
8 that provides a direct and substantial pecuniary benefit  
9 for a former employer or former client of the covered fi-  
10 nancial services regulator.

11 “(b) RECUSAL.—A covered financial services regu-  
12 lator shall recuse himself or herself from any official ac-  
13 tion that would violate subsection (a).

14 “(c) WAIVER.—

15 “(1) IN GENERAL.—The head of the covered fi-  
16 nancial services agency employing a covered financial  
17 services regulator, in consultation with the Director,  
18 may grant a written waiver of the restrictions under  
19 subsection (a) if, and to the extent that, the head of  
20 the covered financial services agency certifies in  
21 writing that—

22 “(A) the application of the restriction to  
23 the particular matter is inconsistent with the  
24 purposes of the restriction; or

25 “(B) it is in the public interest to grant  
26 the waiver.

1           “(2) PUBLICATION.—The Director shall make  
2           each waiver under paragraph (1) publicly available  
3           on the Web site of the Office of Government Ethics.

4   **“SEC. 603. NEGOTIATING FUTURE PRIVATE SECTOR EM-**  
5                           **PLOYMENT.**

6           “(a) PROHIBITION.—Except as provided in sub-  
7           section (c), and notwithstanding any other provision of  
8           law, a covered financial services regulator may not partici-  
9           pate in any particular matter which involves, to the knowl-  
10          edge of the covered financial services regulator, an indi-  
11          vidual or entity with whom the covered financial services  
12          regulator is in negotiations of future employment or has  
13          an arrangement concerning prospective employment.

14          “(b) DISCLOSURE OF EMPLOYMENT NEGOTIA-  
15          TIONS.—

16               “(1) IN GENERAL.—If a covered financial serv-  
17               ices regulator begins any negotiations of future em-  
18               ployment with another person, or an agent or inter-  
19               mediary of another person, or other discussion or  
20               communication with another person, or an agent or  
21               intermediary of another person, mutually conducted  
22               with a view toward reaching an agreement regarding  
23               possible employment of the covered financial services  
24               regulator, the covered financial services regulator  
25               shall notify the designated agency ethics official of



1 the covered financial services agency employing the  
2 covered financial services regulator regarding the ne-  
3 negotiations, discussions, or communications.

4 “(2) INFORMATION.—A designated agency eth-  
5 ics official receiving notice under paragraph (1),  
6 after consultation with the Director, shall inform the  
7 covered financial services regulator of any potential  
8 conflicts of interest involved in any negotiations, dis-  
9 cussions, or communications with the other person  
10 and the applicable prohibitions.

11 “(c) WAIVERS ONLY WHEN EXCEPTIONAL CIR-  
12 CUMSTANCES EXIST.—

13 “(1) IN GENERAL.—The head of a covered fi-  
14 nancial services agency may only grant a waiver of  
15 the prohibition under subsection (a) if the head de-  
16 termines that exceptional circumstances exist.

17 “(2) REVIEW AND PUBLICATION.—For any  
18 waiver granted under paragraph (1), the Director  
19 shall—

20 “(A) review the circumstances relating to  
21 the waiver and the determination that excep-  
22 tional circumstances exist; and

23 “(B) make the waiver publicly available on  
24 the Web site of the Office of Government Eth-  
25 ics, which shall include—

1           “(i) the name of the private person or  
2           persons involved in the negotiations or ar-  
3           rangement concerning prospective employ-  
4           ment; and

5           “(ii) the date on which the negotia-  
6           tions or arrangements commenced.

7           “(d) SCOPE.—For purposes of this section, the term  
8           ‘negotiations of future employment’ is not limited to dis-  
9           cussions of specific terms or conditions of employment in  
10          a specific position.

11       **“SEC. 604. RECORDKEEPING.**

12          “The Director shall—

13               “(1) receive all employment histories, recusal  
14               and waiver records, and other disclosure records for  
15               covered executive branch officials necessary for mon-  
16               itoring compliance with this title;

17               “(2) promulgate rules and regulations, in con-  
18               sultation with the Director of the Office of Per-  
19               sonnel Management and the Attorney General, to  
20               implement this title;

21               “(3) provide guidance and assistance where ap-  
22               propriate to facilitate compliance with this title;

23               “(4) review and, where necessary, assist des-  
24               ignated agency ethics officials in providing advice to

1 covered financial services regulators regarding com-  
2 pliance with this title; and

3 “(5) if the Director determines that a violation  
4 of this title may have occurred, and in consultation  
5 with the designated agency ethics official and the  
6 Counsel to the President, refer the compliance case  
7 to the United States Attorney for the District of Co-  
8 lumbia for enforcement action.

9 **“SEC. 605. PENALTIES AND INJUNCTIONS.**

10 “(a) CRIMINAL PENALTIES.—

11 “(1) IN GENERAL.—Any person who violates  
12 section 602 or 603 shall be fined under title 18,  
13 United States Code, imprisoned for not more than  
14 1 year, or both.

15 “(2) WILLFUL VIOLATIONS.—Any person who  
16 willfully violates section 602 or 603 shall be fined  
17 under title 18, United States Code, imprisoned for  
18 not more than 5 years, or both.

19 “(b) CIVIL ENFORCEMENT.—

20 “(1) IN GENERAL.—The Attorney General may  
21 bring a civil action in an appropriate district court  
22 of the United States against any person who vio-  
23 lates, or whom the Attorney General has reason to  
24 believe is engaging in conduct that violates, section  
25 602 or 603.

1 “(2) CIVIL PENALTY.—

2 “(A) IN GENERAL.—Upon proof by a pre-  
3 ponderance of the evidence that a person vio-  
4 lated section 602 or 603, the court shall impose  
5 a civil penalty of not more than the greater  
6 of—

7 “(i) \$100,000 for each violation; or

8 “(ii) the amount of compensation the  
9 person received or was offered for the con-  
10 duct constituting the violation.

11 “(B) RULE OF CONSTRUCTION.—A civil  
12 penalty under this subsection shall be in addi-  
13 tion to any other criminal or civil statutory,  
14 common law, or administrative remedy available  
15 to the United States or any other person.

16 “(3) INJUNCTIVE RELIEF.—

17 “(A) IN GENERAL.—In a civil action  
18 brought under paragraph (1) against a person,  
19 the Attorney General may petition the court for  
20 an order prohibiting the person from engaging  
21 in conduct that violates section 602 or 603.

22 “(B) STANDARD.—The court may issue an  
23 order under subparagraph (A) if the court finds  
24 by a preponderance of the evidence that the

1           conduct of the person violates section 602 or  
2           603.

3           “(C) RULE OF CONSTRUCTION.—The filing  
4           of a petition seeking injunctive relief under this  
5           paragraph shall not preclude any other remedy  
6           that is available by law to the United States or  
7           any other person.”.

8 **SEC. 4. PROHIBITION OF PROCUREMENT OFFICERS AC-**  
9                                   **CEPTING EMPLOYMENT FROM GOVERNMENT**  
10                                  **CONTRACTORS.**

11           (a) EXPANSION OF PROHIBITION ON ACCEPTANCE  
12 BY FORMER OFFICIALS OF COMPENSATION FROM CON-  
13 TRACTORS.—Section 2104 of title 41, United States Code,  
14 is amended—

15           (1) in subsection (a)—

16                           (A) in the matter preceding paragraph

17           (1)—

18                                   (i) by striking “or consultant” and in-  
19                                   serting “consultant, lawyer, or lobbyist”;

20                                   and

21                                   (ii) by striking “one year” and insert-  
22                                   ing “2 years”; and

23                                   (B) in paragraph (3), by striking “person-  
24                                   ally made for the Federal agency” and inserting

1           “participated personally and substantially in”;  
2           and

3           (2) by striking subsection (b) and inserting the  
4           following:

5           “(b) PROHIBITION ON COMPENSATION FROM AFFILI-  
6           ATES AND SUBCONTRACTORS.—A former official respon-  
7           sible for a Government contract referred to in paragraph  
8           (1), (2), or (3) of subsection (a) may not accept compensa-  
9           tion for 2 years after awarding the contract from any divi-  
10          sion, affiliate, or subcontractor of the contractor.”.

11          (b) REQUIREMENT FOR PROCUREMENT OFFICERS  
12          TO DISCLOSE JOB OFFERS MADE ON BEHALF OF REL-  
13          ATIVES.—Section 2103(a) of title 41, United States Code,  
14          is amended in the matter preceding paragraph (1) by in-  
15          serting after “that official” the following: “, or for a rel-  
16          ative (as defined in section 3110 of title 5) of that offi-  
17          cial,”.

18          (c) REQUIREMENT ON AWARD OF GOVERNMENT  
19          CONTRACTS TO FORMER EMPLOYERS.—

20                 (1) IN GENERAL.—Chapter 21 of title 41,  
21                 United States Code, is amended by adding at the  
22                 end the following:

1 **“§ 2108. Prohibition on involvement by certain**  
2 **former contractor employees in procure-**  
3 **ments**

4 “An employee of the Federal Government may not  
5 be personally and substantially involved with any award  
6 of a contract to, or the administration of a contract award-  
7 ed to, a contractor that is a former employer of the em-  
8 ployee during the 2-year period beginning on the date on  
9 which the employee leaves the employment of the con-  
10 tractor.”.

11 (2) TECHNICAL AND CONFORMING AMEND-  
12 MENT.—The table of sections for chapter 21 of title  
13 41, United States Code, is amended by adding at  
14 the end the following:

“2108. Prohibition on involvement by certain former contractor employees in  
procurements.”.

15 (d) REGULATIONS.—The Administrator for Federal  
16 Procurement Policy and the Director of the Office of Man-  
17 agement and Budget shall—

18 (1) in consultation with the Director of the Of-  
19 fice of Personnel Management and the Counsel to  
20 the President, promulgate regulations to carry out  
21 and ensure the enforcement of chapter 21 of title  
22 41, United States Code, as amended by this section;  
23 and

1           (2) in consultation with designated agency eth-  
2           ics officials (as defined under section 601 of the  
3           Ethics in Government Act of 1978 (5 U.S.C. App.),  
4           as added by section 3), monitor compliance with that  
5           chapter by individuals and agencies.

6 **SEC. 5. REVOLVING DOOR RESTRICTIONS ON FINANCIAL**  
7                   **SERVICES REGULATORS MOVING INTO THE**  
8                   **PRIVATE SECTOR.**

9           (a) IN GENERAL.—Section 207 of title 18, United  
10 States Code, is amended—

11           (1) by redesignating subsections (e) through (l)  
12           as subsections (f) through (m), respectively; and

13           (2) by inserting after subsection (d) the fol-  
14           lowing:

15           “(e) RESTRICTIONS ON EMPLOYMENT FOR FINAN-  
16           CIAL SERVICES REGULATORS.—

17           “(1) IN GENERAL.—In addition to the restric-  
18           tions set forth in subsections (a), (b), (c), and (d),  
19           a covered financial services regulator shall not—

20           “(A) during the 2-year period beginning on  
21           the date on which his or her employment as a  
22           covered financial services regulator ceases—

23           “(i) knowingly act as agent or attor-  
24           ney for, or otherwise represent, any other  
25           person for compensation (except the



1 United States) in any formal or informal  
2 appearance before;

3 “(ii) with the intent to influence,  
4 make any oral or written communication  
5 on behalf of any other person (except the  
6 United States) to; or

7 “(iii) knowingly aid, advise, or assist  
8 in—

9 “(I) representing any other per-  
10 son (except the United States) in any  
11 formal or informal appearance before;  
12 or

13 “(II) making, with the intent to  
14 influence, any oral or written commu-  
15 nication on behalf of any other person  
16 (except the United States) to,

17 any court of the United States, or any officer  
18 or employee thereof, in connection with any ju-  
19 dicial or other proceeding, that was actually  
20 pending under his or her official responsibility  
21 as a covered financial services regulator during  
22 the 1-year period ending on the date on which  
23 his or her employment as a covered financial  
24 services regulator ceases or in which he or she

1 participated personally and substantially as a  
2 covered financial services regulator; or

3 “(B) during the 2-year period beginning on  
4 the date on which his or her employment as a  
5 covered financial services regulator ceases—

6 “(i) knowingly act as a lobbyist or  
7 agent for, or otherwise represent, any  
8 other person for compensation (except the  
9 United States) in any formal or informal  
10 appearance before;

11 “(ii) with the intent to influence,  
12 make any oral or written communication  
13 or conduct any lobbying activities on behalf  
14 of any other person (except the United  
15 States) to; or

16 “(iii) knowingly aid, advise, or assist  
17 in—

18 “(I) representing any other per-  
19 son (except the United States) in any  
20 formal or informal appearance before;  
21 or

22 “(II) making, with the intent to  
23 influence, any oral or written commu-  
24 nication or conduct any lobbying ac-

1                   tivities on behalf of any other person  
2                   (except the United States) to,  
3           any department or agency of the executive  
4           branch or Congress (including any committee of  
5           Congress), or any officer or employee thereof,  
6           in connection with any matter that is pending  
7           before the department, the agency, or Congress.

8           “(2) PENALTY.—Any person who violates para-  
9           graph (1) shall be punished as provided in section  
10          216.

11          “(3) DEFINITIONS.—In this subsection—

12                 “(A) the term ‘covered financial services  
13                 regulator’ has the meaning given that term in  
14                 section 601 of the Ethics in Government Act of  
15                 1978 (5 U.S.C. App.); and

16                 “(B) the terms ‘lobbying activities’ and  
17                 ‘lobbyist’ have the meanings given those terms  
18                 in section 3 of the Lobbying Disclosure Act of  
19                 1995 (2 U.S.C. 1602).”.

20          (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21                 (1) Section 103(a) of the Honest Leadership  
22                 and Open Government Act of 2007 (2 U.S.C.  
23                 4702(a)) is amended by striking “section 207(e)”  
24                 each place it appears and inserting “section 207(f)”.

1           (2) Section 207 of title 18, United States Code,  
2           as amended by subsection (a), is amended—

3                   (A) in subsection (g), as so redesignated,  
4                   by striking “or (e)” and inserting “or (f)”;

5                   (B) in subsection (j)(1)(B), as so redesign-  
6                   ated, by striking “subsection (f)” and insert-  
7                   ing “subsection (g)”; and

8                   (C) in subsection (k), as so redesignated—

9                           (i) in paragraph (1)(B), by striking  
10                           “(25 U.S.C. 450i(j))” and inserting “(25  
11                           U.S.C. 5323(j))”;

12                           (ii) in paragraph (2), in the matter  
13                           preceding subparagraph (A), by striking  
14                           “and (e)” and inserting “(e), and (f)”;

15                           (iii) in paragraph (4), by striking  
16                           “and (e)” and inserting “(e), and (f)”; and

17                           (iv) in paragraph (7)—

18                                   (I) in subparagraph (A), by strik-  
19                                   ing “and (e)” and inserting “(e), and  
20                                   (f)”; and

21                                   (II) in subparagraph (B)(ii), in  
22                                   the matter preceding subclause (I), by  
23                                   striking “subsections (c), (d), or (e)”  
24                                   and inserting “subsection (c), (d), (e),  
25                                   or (f)”.

1           (3) Section 141(b)(4) of the Trade Act of 1974  
2           (19 U.S.C. 2171(b)(4)) is amended by striking “sec-  
3           tion 207(f)(3)” and inserting “207(g)(3)”.

4           (4) Section 7802(b)(3)(B) of the Internal Rev-  
5           enue Code of 1986 is amended by striking “and (f)  
6           of section 207” and inserting “and (g) of section  
7           207”.

8           (5) Section 3105(c) of the USEC Privatization  
9           Act (42 U.S.C. 2297h-3(c)) is amended by striking  
10          “and (d)” and inserting “and (e)”.

11          (6) Section 106(p)(6)(I)(ii) of title 49, United  
12          States Code, is amended by striking “and (f) of sec-  
13          tion 207” and inserting “and (g) of section 207”.

14 **SEC. 6. RESTRICTIONS ON FEDERAL EXAMINERS AND SU-**  
15 **PERVISORS OF FINANCIAL INSTITUTIONS.**

16          (a) IN GENERAL.—Section 10(k) of the Federal De-  
17          posit Insurance Act (12 U.S.C. 1820(k)) is amended—

18               (1) in the subsection heading—

19                       (A) by striking “ONE-YEAR” and inserting  
20                       “TWO-YEAR”; and

21                       (B) by striking “EXAMINERS” and insert-  
22                       ing “EXAMINERS AND SUPERVISORS”;

23               (2) in paragraph (1)—

24                       (A) by striking subparagraph (B) and in-  
25                       serting the following:

1 “(B) served—

2 “(i) not less than 2 months during the  
3 final 12 months of the employment of the  
4 person with that agency or entity as the  
5 senior examiner (or a functionally equiva-  
6 lent position) of a depository institution or  
7 depository institution holding company  
8 with continuing, broad responsibility for  
9 the examination (or inspection) of that de-  
10 pository institution or depository institu-  
11 tion holding company on behalf of the rel-  
12 evant agency or Federal reserve bank; or

13 “(ii) as a supervisor of the senior ex-  
14 aminer with responsibility for managing  
15 the oversight of not more than 5 deposi-  
16 tory institutions or depository institution  
17 holding companies on behalf of the rel-  
18 evant agency or Federal reserve bank;  
19 and”; and

20 (B) in subparagraph (C)—

21 (i) in the matter preceding clause (i),  
22 by striking “1 year” and inserting “2  
23 years”;

24 (ii) in clause (i)—

1 (I) by striking “other company”  
2 and inserting “other company, firm,  
3 or association”; and

4 (II) by striking “or” at the end;

5 (iii) in clause (ii), by striking the pe-  
6 riod at the end and inserting “; or”; and

7 (iv) by adding at the end the fol-  
8 lowing:

9 “(iii) a business entity, firm, or asso-  
10 ciation that represents the depository insti-  
11 tution or depository institution holding  
12 company for compensation.”;

13 (3) by redesignating paragraphs (2) through  
14 (6) as paragraphs (3) through (7), respectively;

15 (4) by inserting after paragraph (1) the fol-  
16 lowing:

17 “(2) APPLICATION OF PENALTIES FOR SUPER-  
18 VISORS.—A supervisor of a covered financial services  
19 regulator, or a supervisor of a senior examiner de-  
20 scribed in paragraph (1)(B)(i), shall be subject to  
21 the penalties described in paragraph (7) if the su-  
22 pervisor knowingly accepts compensation during the  
23 2-year period beginning on the date on which the  
24 service of the supervisor is terminated—

25 “(A) as—

1 “(i) an employee;

2 “(ii) an officer;

3 “(iii) a director; or

4 “(iv) a consultant; and

5 “(B) from—

6 “(i) a depository institution;

7 “(ii) a depository institution holding  
8 company that is designated by the Finan-  
9 cial Stability Oversight Council as a sys-  
10 temically important financial market utility  
11 under section 804 of the Payment, Clear-  
12 ing, and Settlement Supervision Act of  
13 2010 (12 U.S.C. 5463); or

14 “(iii) a business entity, firm, or asso-  
15 ciation that represents an institution de-  
16 scribed in clause (ii) for compensation.”;

17 (5) in paragraph (3), as so redesignated—

18 (A) by redesignating subparagraphs (A)  
19 and (B) as subparagraphs (B) and (C), respec-  
20 tively; and

21 (B) by inserting before subparagraph (B),  
22 as so redesignated, the following:

23 “(A) the term ‘covered financial services  
24 regulator’ has the meaning given the term in



1 section 601 of the Ethics in Government Act of  
2 1978 (5 U.S.C. App.);”;

3 (6) in paragraph (4), as so redesignated, by  
4 striking “or other company” each place it appears  
5 and inserting “or other company, firm, or associa-  
6 tion”; and

7 (7) in paragraph (7), as so redesignated—

8 (A) in subparagraph (A)—

9 (i) in the matter preceding clause (i),  
10 by striking “other company” and inserting  
11 “other company, firm, or association”; and

12 (ii) in clause (i)(I), by striking “other  
13 company” and inserting “other company,  
14 firm, or association”; and

15 (B) in subparagraph (C), by striking “a  
16 company” and inserting “a company, firm, or  
17 association”.

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
19 Section 10(k) of the Federal Deposit Insurance Act (12  
20 U.S.C. 1820(k)) is amended—

21 (1) in paragraph (1), in the matter preceding  
22 subparagraph (A), by striking “paragraph (6)” and  
23 inserting “paragraph (7)”; and

1           (2) in paragraph (5)(A), as so redesignated, by  
2 striking “paragraph (1)(B)” and inserting “para-  
3 graphs (1)(B) and (2)”;

4           (3) in paragraph (7), as so redesignated—

5           (A) in subparagraph (A)—

6           (i) by striking “subject to paragraph  
7 (1)” and inserting “subject to paragraph  
8 (1) or (2)”;

9           (ii) by striking “paragraph (1)(C)”  
10 and inserting “paragraph (1)(C) or (2)”;  
11 and

12           (B) in subparagraph (C)—

13           (i) by striking “person described in  
14 paragraph (1)” and inserting “person de-  
15 scribed in paragraph (1) or (2)”;

16           (ii) by striking “the functions de-  
17 scribed in paragraph (1)(B)” and inserting  
18 “the functions or duties described in para-  
19 graph (1)(B) or (2)”.

20 **SEC. 7. SEVERABILITY.**

21           If any provision of this Act or any amendment made  
22 by this Act, or any application of such provision or amend-  
23 ment to any person or circumstance, is held to be uncon-  
24 stitutional, the remainder of the provisions of this Act and  
25 the amendments made by this Act and the application of

- 1 the provision or amendment to any other person or cir-
- 2 cumstance shall not be affected.

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