

(2) cash flow being generated by the real property being sufficient to support the debt service and expenses of the real property,

in accordance with the institution's applicable loan underwriting criteria for permanent financings, the credit facility may be reclassified by the depository institution as a Non-HVCRE ADC loan.

**(e) Existing authorities**

Nothing in this section shall limit the supervisory, regulatory, or enforcement authority of an appropriate Federal banking agency to further the safe and sound operation of an institution under the supervision of the appropriate Federal banking agency.

(Sept. 21, 1950, ch. 967, § 2[51], as added Pub. L. 115–174, title II, § 214, May 24, 2018, 132 Stat. 1321.)

**§ 1832. Withdrawals by negotiable or transferable instruments for transfers to third parties**

**(a) Authority of depository institution; applicability**

(1) Notwithstanding any other provision of law but subject to paragraph (2), a depository institution is authorized to permit the owner of a deposit or account on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties.

(2) Paragraph (1) shall apply only with respect to deposits or accounts which consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, political, or other similar purposes and which is not operated for profit, and with respect to deposits of public funds by an officer, employee, or agent of the United States, any State, county, municipality, or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, any territory or possession of the United States, or any political subdivision thereof.

**(b) "Depository institution" defined**

For purposes of this section, the term "depository institution" means—

- (1) any insured bank as defined in section 1813 of this title;
- (2) any State bank as defined in section 1813 of this title;
- (3) any mutual savings bank as defined in section 1813 of this title;
- (4) any savings bank as defined in section 1813 of this title;
- (5) any insured institution as defined in section 1724<sup>1</sup> of this title; and
- (6) any building and loan association or savings and loan association organized and operated according to the laws of the State in which it is chartered or organized; and, for purposes of this paragraph, the term "State" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

<sup>1</sup> See References in Text note below.

**(c) Fine**

Any depository institution which violates this section shall be fined \$1,000 for each violation.

(Pub. L. 93–100, § 2, Aug. 16, 1973, 87 Stat. 342; Pub. L. 94–222, § 2, Feb. 27, 1976, 90 Stat. 197; Pub. L. 95–630, title XIII, § 1301, Nov. 10, 1978, 92 Stat. 3712; Pub. L. 96–161, title I, § 106, Dec. 28, 1979, 93 Stat. 1235; Pub. L. 96–221, title III, § 303, Mar. 31, 1980, 94 Stat. 146; Pub. L. 97–320, title VII, § 706(a), Oct. 15, 1982, 96 Stat. 1540; Pub. L. 100–86, title I, § 109, Aug. 10, 1987, 101 Stat. 579.)

**Editorial Notes**

REFERENCES IN TEXT

Section 1724 of this title, referred to in subsec. (b)(5), was repealed by Pub. L. 101–73, title IV, § 407, Aug. 9, 1989, 103 Stat. 363.

CODIFICATION

Section was not enacted as part of the Federal Deposit Insurance Act which comprises this chapter.

AMENDMENTS

1987—Subsec. (a)(2). Pub. L. 100–86 inserted "political," after "educational,".

1982—Subsec. (a)(2). Pub. L. 97–320 inserted provisions relating to deposits of public funds.

1980—Subsec. (a). Pub. L. 96–221 designated existing provisions as par. (1) inserted provisions expanding authorization for withdrawals from selected States to the entire United States, and added par. (2).

1979—Subsec. (a). Pub. L. 96–161 inserted "New Jersey," after "New York,".

1978—Subsec. (a). Pub. L. 95–630 inserted "New York," after "Vermont,".

1976—Subsec. (a). Pub. L. 94–222 authorized withdrawals by negotiable or transferable instruments in the States of Connecticut, Rhode Island, Maine, and Vermont.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–221 effective Dec. 31, 1980, see section 306 of Pub. L. 96–221, set out as a note under section 1464 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95–630, title XIII, § 1302, Nov. 10, 1978, 92 Stat. 3712, provided that: "This title [amending this section] shall take effect upon enactment [Nov. 10, 1978]."

EFFECTIVE DATE

Section effective on thirtieth day after Aug. 16, 1973, see section 8 of Pub. L. 93–100, set out as a note under section 1469 of this title.

**§ 1833. Repealed. Pub. L. 104–208, div. A, title II, § 2224(b), Sept. 30, 1996, 110 Stat. 3009–415**

Section, Pub. L. 101–73, title IX, § 918, Aug. 9, 1989, 103 Stat. 487, required certain agencies to annually report to Congress detailing civil and criminal actions and investigations undertaken during preceding 12-month period.

**§ 1833a. Civil penalties**

**(a) In general**

Whoever violates any provision of law to which this section is made applicable by subsection (c) shall be subject to a civil penalty in an amount assessed by the court in a civil action under this section.

**(b) Maximum amount of penalty****(1) Generally**

The amount of the civil penalty shall not exceed \$1,000,000.

**(2) Special rule for continuing violations**

In the case of a continuing violation, the amount of the civil penalty may exceed the amount described in paragraph (1) but may not exceed the lesser of \$1,000,000 per day or \$5,000,000.

**(3) Special rule for violations creating gain or loss**

(A) If any person derives pecuniary gain from the violation, or if the violation results in pecuniary loss to a person other than the violator, the amount of the civil penalty may exceed the amounts described in paragraphs (1) and (2) but may not exceed the amount of such gain or loss.

(B) As used in this paragraph, the term “person” includes the Bank Insurance Fund, the Savings Association Insurance Fund, and after the merger of such funds, the Deposit Insurance Fund, and the National Credit Union Share Insurance Fund.

**(c) Violations to which penalty is applicable**

This section applies to a violation of, or a conspiracy to violate—

(1) section 215, 656, 657, 1005, 1006, 1007, 1014, or 1344 of title 18;

(2) section 287, 1001, 1032,<sup>1</sup> 1341 or 1343 of title 18 affecting a federally insured financial institution; or

(3) section 645(a) of title 15.

**(d) Effective date**

This section shall apply to violations occurring on or after August 10, 1984.

**(e) Attorney General to bring action**

A civil action to recover a civil penalty under this section shall be commenced by the Attorney General.

**(f) Burden of proof**

In a civil action to recover a civil penalty under this section, the Attorney General must establish the right to recovery by a preponderance of the evidence.

**(g) Administrative subpoenas****(1) In general**

For the purpose of conducting a civil investigation in contemplation of a civil proceeding under this section, the Attorney General may—

(A) administer oaths and affirmations;

(B) take evidence; and

(C) by subpoena, summon witnesses and require the production of any books, papers, correspondence, memoranda, or other records which the Attorney General deems relevant or material to the inquiry. Such subpoena may require the attendance of witnesses and the production of any such records from any place in the United States at any place in the United States designated by the Attorney General.

**(2) Procedures applicable**

The same procedures and limitations as are provided with respect to civil investigative demands in subsections (g), (h), and (j) of section 1968 of title 18 apply with respect to a subpoena issued under this subsection. Process required by such subsections to be served upon the custodian shall be served on the Attorney General. Failure to comply with an order of the court to enforce such subpoena shall be punishable as contempt.

**(3) Limitation**

In the case of a subpoena for which the return date is less than 5 days after the date of service, no person shall be found in contempt for failure to comply by the return date if such person files a petition under paragraph (2) not later than 5 days after the date of service.

**(h) Statute of limitations**

A civil action under this section may not be commenced later than 10 years after the cause of action accrues.

(Pub. L. 101-73, title IX, §951, Aug. 9, 1989, 103 Stat. 498; Pub. L. 101-647, title XXV, §§2533, 2596(d), Nov. 29, 1990, 104 Stat. 4882, 4908; Pub. L. 103-322, title XXXIII, §330003(g), Sept. 13, 1994, 108 Stat. 2141; Pub. L. 104-208, div. A, title II, §2704(d)(15)(A), Sept. 30, 1996, 110 Stat. 3009-494; Pub. L. 107-100, §4(b), Dec. 21, 2001, 115 Stat. 966; Pub. L. 109-171, title II, §2102(b), Feb. 8, 2006, 120 Stat. 9; Pub. L. 109-173, §9(g)(1), Feb. 15, 2006, 119 Stat. 3618.)

**Editorial Notes****CODIFICATION**

Section was enacted as part of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and not as part of the Federal Deposit Insurance Act which comprises this chapter.

**AMENDMENTS**

2006—Subsec. (b)(3)(B). Pub. L. 109-173 inserted “and after the merger of such funds, the Deposit Insurance Fund,” after “the Savings Association Insurance Fund.”

Pub. L. 109-171 repealed Pub. L. 104-208, §2704(d)(15)(A). See 1996 Amendment note below.

2001—Subsec. (c). Pub. L. 107-100, §4(b)(2)(D), designated concluding provisions as (d) and inserted heading.

Subsec. (c)(2). Pub. L. 107-100, §4(b)(2)(B)(i), which directed the substitution of “1341” for “1341;”, could not be executed because par. (2) does not contain a semicolon after “1341”.

Subsec. (c)(3). Pub. L. 107-100, §4(b)(2)(A), (B)(ii), (C), added par. (3).

Subsecs. (d) to (h). Pub. L. 107-100, §4(b)(1), (2)(D), designated concluding provisions of subsec. (c) as (d), inserted heading, and redesignated former subsecs. (d) to (g) as (e) to (h), respectively.

1996—Subsec. (b)(3)(B). Pub. L. 104-208, §2704(d)(15)(A), which directed substitution of “Deposit Insurance Fund” for “Bank Insurance Fund, the Savings Association Insurance Fund,”, was repealed by Pub. L. 109-171. See Effective Date of 1996 Amendment note below and 2006 Amendment note above.

1994—Subsec. (c). Pub. L. 103-322 amended directory language of Pub. L. 101-647, §2596(d). See 1990 Amendment note below.

1990—Subsec. (c). Pub. L. 101-647, §2596(d)(2), as amended by Pub. L. 103-322, inserted at end a flush sentence ‘This section shall apply to violations occurring on or after August 10, 1984.’

<sup>1</sup> See 1990 Amendment note below.

Subsec. (c)(2). Pub. L. 101–647, §2596(d)(1), as amended by Pub. L. 103–322, which directed insertion of “287, 1001, 1032,” before “1341;” was executed by making the insertion before “1341 or 1343” to reflect the probable intent of Congress.

Subsec. (g). Pub. L. 101–647, §2533, added subsec. (g).

#### **Statutory Notes and Related Subsidiaries**

##### **EFFECTIVE DATE OF 2006 AMENDMENT**

Amendment by Pub. L. 109–173 effective Mar. 31, 2006, see section 9(j) of Pub. L. 109–173, set out as a note under section 24 of this title.

Amendment by Pub. L. 109–171 effective no later than the first day of the first calendar quarter that begins after the end of the 90-day period beginning Feb. 8, 2006, see section 2102(c) of Pub. L. 109–171, set out as a Merger of BIF and SAIF note under section 1821 of this title.

##### **EFFECTIVE DATE OF 1996 AMENDMENT**

Amendment by Pub. L. 104–208 effective Jan. 1, 1999, if no insured depository institution is a savings association on that date, see section 2704(c) of Pub. L. 104–208, formerly set out as a note under section 1821 of this title.

##### **EFFECTIVE DATE OF 1994 AMENDMENT**

Pub. L. 103–322, title XXXIII, §330003(g), Sept. 13, 1994, 108 Stat. 2141, provided that the amendment made by that section is effective retroactively to the date of enactment of Pub. L. 101–647, which was approved Nov. 29, 1990.

#### **§ 1833b. Comparability in compensation schedules**

##### **(a) In general**

The Federal Deposit Insurance Corporation, the Comptroller of the Currency, the National Credit Union Administration Board, the Federal Housing Finance Agency, the Office of Financial Research, and the Bureau of Consumer Financial Protection, the<sup>1</sup> Farm Credit Administration, in establishing and adjusting schedules of compensation and benefits which are to be determined solely by each agency under applicable provisions of law, shall inform the heads of the other agencies and the Congress of such compensation and benefits and shall seek to maintain comparability regarding compensation and benefits.

##### **(b) Commodity Futures Trading Commission**

In establishing and adjusting schedules of compensation and benefits for employees of the Commodity Futures Trading Commission under applicable provisions of law, the Commission shall—

(1) inform the heads of the agencies referred to in subsection (a) and Congress of such compensation and benefits; and

(2) seek to maintain comparability with those agencies regarding compensation and benefits.

(Pub. L. 101–73, title XII, §1206, Aug. 9, 1989, 103 Stat. 523; Pub. L. 102–233, title III, §302(a), Dec. 12, 1991, 105 Stat. 1767; Pub. L. 107–123, §8(d)(3), Jan. 16, 2002, 115 Stat. 2400; Pub. L. 107–171, title X, §10702(b), May 13, 2002, 116 Stat. 516; Pub. L. 111–203, title I, §152(d)(3), title III, §367(8), July 21, 2010, 124 Stat. 1414, 1557.)

<sup>1</sup>So in original. Probably should be “Research, the Bureau of Consumer Financial Protection, and the”.

#### **Editorial Notes**

##### **CODIFICATION**

Section was enacted as part of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and not as part of the Federal Deposit Insurance Act which comprises this chapter.

##### **AMENDMENTS**

2010—Subsec. (a). Pub. L. 111–203, §367(8)(B), which directed striking out “, and the Office of Thrift Supervision” could not be executed because those words did not appear subsequent to amendment by Pub. L. 111–203, §152(d)(3)(B). See below.

Pub. L. 111–203, §367(8)(A), which directed substitution of “Agency, and” for “Board, the Oversight Board of the Resolution Trust Corporation”, was executed by substituting “Agency” for “Board” after “Federal Housing Finance”, to reflect the probable intent of Congress and the amendments made by Pub. L. 107–123 and section 302(a) of Pub. L. 102–233. See 2002 Amendment note and Change of Name note below.

Pub. L. 111–203, §152(d)(3), substituted “Finance Board, the Office of Financial Research, and the Bureau of Consumer Financial Protection” for “Finance Board,” and struck out “and the Office of Thrift Supervision,” after “Credit Administration.”

2002—Pub. L. 107–171 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 107–123 struck out “the Thrift Depositor Protection Oversight Board of the Resolution Trust Corporation” after “Federal Housing Finance Board.”

#### **Statutory Notes and Related Subsidiaries**

##### **CHANGE OF NAME**

Oversight Board redesignated Thrift Depositor Protection Oversight Board, effective Feb. 1, 1992, see section 302(a) of Pub. L. 102–233, formerly set out as a note under section 1441a of this title. Thrift Depositor Protection Oversight Board abolished, see section 14(a)–(d) of Pub. L. 105–216, formerly set out as a note under section 1441a of this title.

##### **EFFECTIVE DATE OF 2010 AMENDMENT**

Amendment by section 152(d)(3) of Pub. L. 111–203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111–203, set out as an Effective Date note under section 5301 of this title.

Amendment by section 367(8) of Pub. L. 111–203 effective on the transfer date, see section 351 of Pub. L. 111–203, set out as a note under section 906 of Title 2, The Congress.

##### **EFFECTIVE DATE OF 2002 AMENDMENT**

Amendment by Pub. L. 107–123 effective Oct. 1, 2001, see section 11 of Pub. L. 107–123, set out as a note under section 78ee of Title 15, Commerce and Trade.

#### **§ 1833c. Comptroller General audit and access to records**

##### **(a) Audit of agencies or other persons performing functions under banking laws**

###### **(1) In general**

Except as provided in paragraph (2), all agencies, corporations, organizations, and other persons of any description which perform any function or activity under this Act, or any other Act which is amended by this Act, shall be subject to audit by the Comptroller General of the United States with respect to such function or activity.

###### **(2) Exceptions**

Paragraph (1) shall not apply to—