

117TH CONGRESS
2D SESSION

S. 4110

To amend the Financial Stability Act of 2010 to include the State insurance commissioner as a voting member of the Financial Stability Oversight Council, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2022

Mr. SCOTT of South Carolina (for himself and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Financial Stability Act of 2010 to include the State insurance commissioner as a voting member of the Financial Stability Oversight Council, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Primary Regulators
5 of Insurance Vote Act of 2022”.

1 **SEC. 2. ESTABLISHMENT OF STATE INSURANCE COMMIS-**
 2 **SIONER AS A VOTING MEMBER OF THE FI-**
 3 **NANCIAL STABILITY OVERSIGHT COUNCIL.**

4 Section 111 of the Financial Stability Act of 2010
 5 (12 U.S.C. 5321) is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) by redesignating subparagraph (J)
 9 as subparagraph (K);

10 (ii) in subparagraph (I), by striking
 11 “and” at the end; and

12 (iii) by inserting after subparagraph
 13 (I) the following:

14 “(J) a State insurance commissioner, ap-
 15 pointed by the President, by and with the ad-
 16 vice and consent of the Senate, as described in
 17 paragraph (4); and”; and

18 (B) by adding at the end the following new
 19 paragraph:

20 “(4) STATE INSURANCE COMMISSIONER.—Be-
 21 fore making any appointments pursuant to para-
 22 graph (1)(J), the President shall request a list of
 23 recommended candidates from the States through
 24 the National Association of Insurance Commis-
 25 sioners. The President may appoint a member under
 26 paragraph (1)(J) that does not appear on such list.

1 If the National Association of Insurance Commis-
 2 sioners fails to submit such list within 15 business
 3 days after the date of the request, the President
 4 may appoint a member under paragraph (1)(J)
 5 without considering the views of the National Asso-
 6 ciation of Insurance Commissioners.”; and

7 (2) in subsection (c)—

8 (A) in paragraph (1), by inserting “, the
 9 State insurance commissioner shall serve for a
 10 term of 4 years” after “6 years”;

11 (B) by striking paragraph (2) and insert-
 12 ing the following:

13 “(2) VACANCIES.—

14 “(A) IN GENERAL.—Subject to subpara-
 15 graph (B), any vacancy on the Council shall be
 16 filled in the manner in which the original ap-
 17 pointment was made.

18 “(B) STATE INSURANCE COMMISSIONER.—

19 With respect to a vacancy in the membership of
 20 the State insurance commissioner serving under
 21 subsection (b)(1)(J)—

22 “(i) the Federal Vacancy Reform Act
 23 (5 U.S.C. 3345 et seq.) shall not apply;
 24 and

1 “(ii) such vacancy shall be filled by a
 2 State insurance commissioner, to be des-
 3 ignated by a selection process determined
 4 by the State insurance commissioners, who
 5 shall serve as a nonvoting member of the
 6 Council until a successor is appointed and
 7 confirmed.”; and

8 (C) in paragraph (4)—

9 (i) by striking “INDEPENDENT MEM-
 10 BER” in the heading, and inserting “IN-
 11 SURANCE MEMBERS”; and

12 (ii) striking “subsection (b)(1)(J)”
 13 and inserting “subsection (b)(1)(K) or the
 14 State insurance commissioner serving
 15 under subsection (b)(1)(J)”.

16 **SEC. 3. REPEAL OF STATE INSURANCE COMMISSIONER AS**
 17 **NONVOTING MEMBER OF FSOC.**

18 (a) **IN GENERAL.**—Section 111(b)(2) of the Finan-
 19 cial Stability Act of 2010 (12 U.S.C. 5321(b)(2)) is
 20 amended by striking subparagraph (C) and redesignating
 21 subparagraphs (D) and (E) as subparagraphs (C) and
 22 (D), respectively.

23 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
 24 Section 111(e)(1) of the Financial Stability Act of 2010
 25 Act (12 U.S.C. 5321(e)(1)) is amended by striking by

1 “subparagraphs (C), (D), and (E)” and inserting “sub-
2 paragraphs (C) and (D)”.

3 **SEC. 4. TEMPORARY SERVICE; TRANSITION.**

4 Notwithstanding the amendments made by this Act,
5 during the period beginning on the date of the enactment
6 of this Act and ending on the date on which the State
7 insurance commissioner is appointed and confirmed pursu-
8 ant to section 111(b)(1) of the Financial Stability Act of
9 2010 (12 U.S.C. 5321(b)(1)), as amended by section 2
10 of this Act, section 111(b)(2)(C) of the Financial Stability
11 Act of 2010 (12 U.S.C. 5321(b)(2)(C)), as in effect on
12 the day before the date of enactment of this Act, shall
13 continue to apply.

14 **SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.**

15 The Financial Stability Act of 2010 (12 U.S.C. 5311
16 et seq.) is amended—

17 (1) in section 102(a) (12 U.S.C. 5311), by add-
18 ing at the end the following:

19 “(8) COUNCIL.—The term ‘Council’ means the
20 Financial Stability Oversight Council established in
21 section 111.”;

22 (2) in section 112(a)(2)(D) (12 U.S.C.
23 5322(a)(2)(D)), by striking “to monitor” and insert-
24 ing “monitor”;

1 (3) in section 154(c)(1) (12 U.S.C.
2 5344(c)(1))—

3 (A) by striking “CENTER.—” and all that
4 follows through “The Research” and inserting
5 the following: “CENTER.—The Research”; and

6 (B) by redesignating subparagraphs (A)
7 through (H) as paragraphs (1) through (8), re-
8 spectively; and

9 (4) in section 155(a)(2) (12 U.S.C.
10 5345(a)(2)), by striking the comma after “sub-
11 section (c)”.

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