

119TH CONGRESS  
2D SESSION

# H. R. 5317

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## AN ACT

To amend the Federal Deposit Insurance Act to ensure that certain custodial deposits of well capitalized insured depository institutions are not considered to be funds obtained by or through deposit brokers, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Community Bank De-  
3 posit Access Act of 2025”.

4 **SEC. 2. LIMITED EXCEPTION FOR CUSTODIAL DEPOSITS.**

5 (a) IN GENERAL.—Section 29 of the Federal Deposit  
6 Insurance Act (12 U.S.C. 1831f) is amended by adding  
7 at the end the following:

8 “(j) LIMITED EXCEPTION FOR CUSTODIAL DEPOS-  
9 ITS.—

10 “(1) IN GENERAL.—Custodial deposits of an el-  
11 igible institution shall not be considered to be funds  
12 obtained, directly or indirectly, by or through a de-  
13 posit broker to the extent that the total amount of  
14 such custodial deposits does not exceed an amount  
15 equal to 20 percent of the total liabilities of the eligi-  
16 ble institution.

17 “(2) DEFINITIONS.—In this subsection:

18 “(A) CUSTODIAL DEPOSIT.—The term  
19 ‘custodial deposit’ means a deposit that is not  
20 deposited at an insured depository institution in  
21 return for fees paid by the insured depository  
22 institution pursuant to an agreement with a  
23 third party and that would otherwise be consid-  
24 ered to be obtained, directly or indirectly, by or  
25 through a deposit broker, if the deposit is de-  
26 posited at 1 or more insured depository institu-

1           tions, for the purpose of providing or maintain-  
2           ing deposit insurance for the benefit of a third  
3           party, by or through any of the following, each  
4           acting in a formal custodial or fiduciary capac-  
5           ity for the benefit of a third party:

6                   “(i) An insured depository institution  
7                   serving as agent, trustee, or custodian.

8                   “(ii) A trust entity controlled by an  
9                   insured depository institution serving as  
10                  agent, trustee, or custodian.

11                  “(iii) A State-chartered trust company  
12                  serving as agent, trustee, or custodian.

13                  “(iv) A plan administrator or invest-  
14                  ment advisor, acting in a formal custodial  
15                  or fiduciary capacity for the benefit of a  
16                  plan.

17                  “(B) ELIGIBLE INSTITUTION.—The term  
18                  ‘eligible institution’ means an insured deposi-  
19                  tory institution that accepts custodial deposits,  
20                  if the insured depository institution has less  
21                  than \$10,000,000,000 in total assets as re-  
22                  ported on the consolidated report of condition  
23                  and income as reported quarterly to the appro-  
24                  priate Federal banking agency and—

1 “(i)(I) when most recently examined  
2 under section 10(d) was assigned a com-  
3 posite rating of 1, 2, or 3 under the Uni-  
4 form Financial Institutions Rating System  
5 (or an equivalent rating under a com-  
6 parable rating system); and

7 “(II) is well capitalized; or

8 “(ii) has obtained a waiver pursuant  
9 to subsection (c).

10 “(C) PLAN.—The term ‘plan’ has the  
11 meaning given the term in section 3 of the Em-  
12 ployee Retirement Income Security Act of 1974  
13 (29 U.S.C. 1002).

14 “(D) PLAN ADMINISTRATOR.—The term  
15 ‘plan administrator’ has the meaning given the  
16 term ‘administrator’ in section 3 of the Em-  
17 ployee Retirement Income Security Act of 1974  
18 (29 U.S.C. 1002).

19 “(E) WELL CAPITALIZED.—The term ‘well  
20 capitalized’ has the meaning given the term in  
21 section 38(b).”.

22 (b) INTEREST RATE RESTRICTION.—Section 29 of  
23 the Federal Deposit Insurance Act (12 U.S.C. 1831f), as  
24 amended by subsection (a), is further amended by adding  
25 at the end the following:

1       “(k) RESTRICTION ON INTEREST RATE PAID ON  
2 CERTAIN CUSTODIAL DEPOSITS.—

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

4                       “(A) the terms ‘custodial deposit’, ‘eligible  
5 institution’, and ‘well capitalized’ have the  
6 meanings given those terms in subsection (j);  
7 and

8                       “(B) the term ‘covered insured depository  
9 institution’ means an insured depository institu-  
10 tion that while acting as an eligible institution  
11 under subsection (j), accepts custodial deposits  
12 while not well capitalized.

13               “(2) PROHIBITION.—A covered insured deposi-  
14 tory institution may not pay a rate of interest on  
15 custodial deposits that are accepted while not well  
16 capitalized that, at the time the funds or custodial  
17 deposits are accepted, significantly exceeds the limit  
18 set forth in paragraph (3).

19               “(3) LIMIT ON INTEREST RATES.—The limit on  
20 the rate of interest referred to in paragraph (2) shall  
21 be not greater than—

22                       “(A) the rate paid on deposits of similar  
23 maturity in the normal market area of the cov-  
24 ered insured depository institution for deposits

1           accepted in the normal market area of the cov-  
2           ered insured depository institution; or

3           “(B) the national rate paid on deposits of  
4           comparable maturity, as established by the Cor-  
5           poration, for deposits accepted outside the nor-  
6           mal market area of the covered insured depository  
7           institution.”.

8   **SEC. 3. DISCRETIONARY SURPLUS FUND.**

9           (a) IN GENERAL.—The dollar amount specified  
10          under section 7(a)(3)(A) of the Federal Reserve Act (12  
11          U.S.C. 289(a)(3)(A)) is reduced by \$4,000,000.

12          (b) EFFECTIVE DATE.—The amendment made by  
13          subsection (a) shall take effect on September 1, 2036.

          Passed the House of Representatives May 20, 2026.

Attest:

*Clerk.*



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