中央銀行專著選譯叢書 NO. 5

各國中央銀行法選輯 (2013 年版)

（上冊）

Collections of Central Bank Acts of Selected Countries (2013 Edition) (Volume 1)

《中英對照本》

中央銀行法務室編印
中華民國一〇二年十二月

序

中央銀行之主要任務在於制定並執行國家貨幣政策。一國之貨幣政策不僅影響經濟發展，亦將牽動國際間經濟互動之金融情勢，並反映中央銀行於經濟體制運作中之關鍵角色，影響層面既深且廣；因此，多數國家之中央銀行除促進金融穩定發展外，並以達成物價穩定及協助經濟成長為目標。

各國中央銀行於組織定位、決策架構、職掌及管理制度，受各國政治、經濟及文化條件之差異所影響，並因該國憲政體制、政府組織結構、金融監理制度及金融實務運作情形等因素，各有不同之特色及發展，其中多有可供我國中央銀行制度參考借鏡之處。

本行曾於 65 年間由經濟研究處編印「各國中央銀行法選譯」一書，並續於 81 年、82 年間增刊二輯。其後，法務室並於 92 年、93 年及 98 年分別重行選譯出版歐、亞、美洲及大洋洲等各國中央銀行法之中文版及中英對照版。

近年來，各國為因應全球金融及經濟危機，多採行相關貨幣政策操作及穩定金融措施，各國之中央銀行法亦迭有修正之處。為便於各界對不同國家中央銀行制度之比較參考，本行法務室爰編印「各國中央銀行法選輯 (2013 年版)」(中英對照本)，選編近年法規內容變動較大及較受國際金融體系矚目國家之中央銀行法；其中「美國聯邦準備銀行法」及「英格蘭銀行法」錄為「上冊」，「法蘭西銀行法」、「德意志聯邦銀行法」、「瑞士國家銀行法」、「丹麥國家銀行法」、「瑞典中央銀行法」、「韓國中央銀行法」、「泰國銀行法」，及「中華民國中央銀行法」錄為「下冊」，並以「中央銀行專著選譯叢書」之系列方式出刊。敬祈各界先進續予指教。

中央銀行總裁

彭淮南 謹識

中華民國 102 年 12 月 2 日

各國中央銀行法選輯 (2013 年版) 翻譯及審校人員

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美國聯邦準備法

法務室

謝佳雯、歐坤寧、顏敏靜、鄭雅卉　合譯

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Federal Reserve Act

Section 1. Short Title and Definitions

1. Short Title

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the short title of this Act shall be the "Federal Reserve Act."

[12 USC 226. Part of original Federal Reserve Act; not amended.]

2. Definition of "Bank"

Wherever the word "bank" is used in this Act, the word shall be held to include State bank, banking association, and trust company, except where national banks or Federal reserve banks are specifically referred to. For purposes of this Act, a State bank includes any bank which is operating under the Code of Law for the District of Columbia.

[12 USC 221. Part of original Federal Reserve Act. As amended by act of Oct. 13, 2006 (120 Stat. 2001). +]

3. Definitions of Other Terms

The terms "national bank" and "national banking association" used in this Act shall be held to be synonymous and interchangeable. The term "member bank" shall be held to mean any national bank, State bank, or bank or trust company which has become a member of one of the reserve banks created by this Act. The term "board" shall be held to mean Board of Governors of the Federal Reserve System; the term "district" shall be held to mean Federal reserve district; the term "reserve bank" shall be held to mean Federal reserve bank; the term "the continental United States" means the States of the United States and the District of Columbia.

4. Definition of "Bonds and Notes of the United States"

The terms "bonds and notes of the United States," "bonds and notes of the Government of the United States," and "bonds or notes of the United States" used in this Act shall be held to include certificates of indebtedness and Treasury bills issued under section 3104 of title 31.

美國聯邦準備法

第 1 條　標題簡稱及定義

1.標題簡稱

本法係由美國參議院及眾議院集會訂定，且其標題簡稱應為「聯邦準備法」。

〔見美國法典第 12 編第 226 條。本條為原法案條文，並無修正。〕

2.「銀行」之定義

本法所稱「銀行」，除特別指稱聯邦註冊銀行或聯邦準備銀行外，應包括州註冊銀行、金融機構及信託公司。基於本法之規範目的，州註冊銀行係包括適用哥倫比亞特區法令之所有銀行。

〔見美國法典第 12 編第 221 條。經 2006 年 10 月 13 日立法修正（法律輯錄第 120 冊第 2001 頁）。〕

3. 其他名詞之定義

本法所使用之「聯邦註冊銀行」及「聯邦註冊金融機構」應視為同義且得交互使用。所稱「會員銀行」應指成為依本法所產生之聯邦準備銀行會員之聯邦註冊銀行、州註冊銀行、一般銀行或信託公司。所稱「聯準會」應指聯邦準備制度理事會；所稱「區」應指聯邦準備區；所稱「準備銀行」應指聯邦準備銀行；所稱「美國大陸」應指美國各州及哥倫比亞特區。

4.「聯邦債券」之定義

本法所稱「聯邦債券」、「聯邦政府債券」及「聯邦公債或票券」應包括依第 31 編 3104 條規定所發行之債務憑證及國庫券。

[12 USC 221. As amended by acts of June 25, 1959 (73 Stat. 142) and Sept. 13, 1982 (96 Stat. 1058). For further definitions, see section 2 of Banking Act of 1933, approved June 16, 1933. Section 203(a) of the Banking Act of 1935, approved Aug. 23, 1935 (49 Stat. 704), provided: "Hereafter the Federal Reserve Board shall be known as the 'Board of Governors of the Federal Reserve System', and the governor and vice governor of the Federal Reserve Board shall be known as the 'chairman' and the 'vice chairman', respectively, of the Board of Governors of the Federal Reserve System." Accordingly, the words "Federal Reserve Board", "governor", and "vice governor", wherever they formerly appeared in the Federal Reserve Act (or in other acts of Congress), have been changed here to read "Board of Governors of the Federal Reserve System", "chairman" and "vice chairman", respectively, notwithstanding the fact that such change has not been made by specific amendment of the law.]

Section 2. Federal Reserve Districts

1. Establishment of Reserve Cities and Districts

As soon as practicable, the Secretary of the Treasury, the Secretary of Agriculture and the Comptroller of the Currency, acting as "The Reserve Bank Organization Committee," shall designate not less than eight nor more than twelve cities to be known as Federal reserve cities, and shall divide the continental United States, excluding Alaska, into districts, each district to contain only one of such Federal reserve cities. The determination of said organization committee shall not be subject to review except by the Board of Governors of the Federal Reserve System when organized: Provided, That the districts shall be apportioned with due regard to the convenience and customary course of business and shall not necessarily be coterminous with any State or States. The districts thus created may be readjusted and new districts may from time to time be created by the Board of Governors of the Federal Reserve System, not to exceed twelve in all. Such districts shall be known as Federal reserve districts and may be designated by number. When the State of Alaska or Hawaii is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section.

[Partly incorporated in 12 USC 222 and 223. As amended by acts of July 7, 1958 (72 Stat. 350); March 18, 1959 (73 Stat. 12).]

〔見美國法典第 12 編第 221 條。經 1959 年 6 月 25 日（法律輯錄第 73 冊第 142 頁）及 1982 年 9 月 13 日（法律輯錄第 96 冊第 1058 頁）立法修正。其進一步之定義，可參閱 1933 年 6 月 16 日公布之 1933 年銀行法第 2 條。另 1935 年 8 月 23 日公布之銀行法第 203(a)條（法律輯錄第 49 冊第 704 頁）規定：「以下所稱之聯邦準備制度理事會應指『理事會』，聯邦準備制度理事會之總裁及副總裁應分別指聯準會之『主席』及『副主席』」。因此，即使本法未經專案修正，前在聯邦準備法（或國會之其他法案）中所稱「聯邦準備制度理事會」、「總裁」及「副總裁」，均於此次修正改稱為「聯準會」、「主席」及「副主席」。〕

第 2 條　聯邦準備區

1. 設立準備市及區

由財政部長、農業部長及通貨監理局長所組成之「準備銀行組織委員會」應儘速指定 8 至 12 個城市，命名為聯邦準備市，並應將阿拉斯加以外之美國大陸劃分為區，各區僅能包括一個聯邦準備市。該組織委員會劃定各區之決定無須經複議；但聯準會於成立時，得就各區之便利性及其商業習慣予以適當考量，且各區之劃分無須與任一州或數州之疆界相同。因此，產生之各區得由聯準會調整並隨時增設之，但總數不得超過 12 區。各區應稱為聯邦準備區，並得以號數加以識別。於阿拉斯加州或夏威夷州獲准加入聯邦準備時，聯準會應以上述方式重新調整聯邦準備區，俾包括該等新加入之州。各州之聯邦註冊銀行於開始營業或其所在地州獲准加入聯邦後 90 日內，應依本法之規定，認繳其所在區內聯邦準備銀行股本，及依聯邦存款保險法成為要保銀行之方式，成為聯邦準備制度之會員。銀行違反上述規定，應受本條第 6 項規定之處罰。

〔部分列入美國法典第 12 編第 222 條及第 223 條。經 1958 年 7 月 7 日立法（法律輯錄第 72 冊第 350 頁），及 1959 年 3 月 18 日立法（法律輯錄第 73 冊第 12 頁）修正。〕

2. Powers of Organization Committee

Said organization committee shall be authorized to employ counsel and expert aid, to take testimony, to send for persons and papers, to administer oaths, and to make such investigation as may be deemed necessary by the said committee in determining the reserve districts and in designating the cities within such districts where such Federal reserve banks shall be severally located. The said committee shall supervise the organization in each of the cities designated of a Federal reserve bank, which shall include in its title the name of the city in which it is situated, as "Federal Reserve Bank of Chicago."

[Omitted from U.S. Code except part of last sentence, which is incorporated in 12 USC 225. Part of original Federal Reserve Act; not amended.]

3. Subscription to Stock by National Banks

Under regulations to be prescribed by the organization committee, every national banking association in the United States is hereby required, and every eligible bank in the United States and every trust company within the District of Columbia, is hereby authorized to signify in writing, within sixty days after the passage of this Act, its acceptance of the terms and provisions hereof. When the organization committee shall have designated the cities in which Federal reserve banks are to be organized, and fixed the geographical limits of the Federal reserve districts, every national banking association within that district shall be required within thirty days after notice from the organization committee, to subscribe to the capital stock of such Federal reserve bank in a sum equal to six per centum of the paid-up capital stock and surplus of such bank, one-sixth of the subscription to be payable on call of the organization committee or of the Board of Governors of the Federal Reserve System, one-sixth within three months and one-sixth within six months thereafter, and the remainder of the subscription, or any part thereof, shall be subject to call when deemed necessary by the Board of Governors of the Federal Reserve System, said payments to be in gold or gold certificates.

[Partly incorporated in 12 USC 282. Part of original Federal Reserve Act; not amended. For provisions concerning stock subscriptions by state banks and trust companies, see section 9.]

4. Liability of Shareholders of Reserve Banks

The shareholders of every Federal reserve bank shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of their subscriptions to such stock at the par value thereof in addition to the amount subscribed, whether such subscriptions have been paid up in whole or in part, under the provisions of this Act.

[12 USC 502. Part of original Federal Reserve Act; not amended.]

2. 組織委員會之職權

前項委員會得聘用顧問及專業助理，以聽取證詞、徵調人員與文件、監誓及於其所決定之準備區與其指定之數個聯邦準備銀行所在地內之城市，進行必要之調查。該委員會應監督於各指定城市成為聯邦準備銀行之組織，其名稱應包括該行所在地城市之地名，例如「芝加哥聯邦準備銀行」。

〔本項除末句之部分規定列入美國法典第 12 編第 225 條外，餘均刪除。本項為原法案部分條文，並無修正。〕

3. 聯邦註冊銀行之認繳股本

依照組織委員會所訂規定，美國境內之聯邦註冊銀行，及美國境內之合格銀行與哥倫比亞特區內之信託公司，得於本法通過後 60 日內，以書面表示接受本法所訂條款之規範。於組織委員會指定應成立聯邦準備銀行之城市，及劃定聯邦準備區之地域範圍後，該區之任一聯邦註冊金融機構於組織委員會通知後 30 日內，應認購該聯邦準備銀行之資本額至相當於各該行實收資本及累積盈餘總額之 6%；該項認購之 1/6 應於組織委員會或聯準會通知時立即繳付、1/6 於 3 個月內繳付，1/6 於嗣後之 6 個月內繳付，其餘金額則於聯準會認為必要時，通知以黃金或金元券繳付全部或一部。

〔部分規定列入美國法典第 12 編第 282 條。本項為原法案部分條文，並未修正。有關州註冊銀行及信託公司認繳股本之規定，詳見本法第 9 條。〕

4. 聯邦準備銀行股東之責任

聯邦準備銀行之股東，應對該銀行之所有契約、債務及承諾，依比例各自負責；其範圍除已認購之股本外，尚應包括其後按股本面額新認購之股本部分，且不論其認購之股本金額是否已依本法規定繳納全部或一部。

〔見美國法典第 12 編第 502 條。本項為原法案部分條文，並無修正。〕

5. Failure of National Bank to Accept Terms of Act

Any national bank failing to signify its acceptance of the terms of this Act within sixty days aforesaid, shall cease to act as a reserve agent, upon thirty days' notice, to be given within the discretion of the said organization committee or of the Board of Governors of the Federal Reserve System.

[Omitted from U.S. Code. Part of original Federal Reserve Act; not amended.]

6. Penalty for Violation of Act by National Banks

Should any national banking association in the United States now organized fail within one year after the passage of this Act to become a member bank or fail to comply with any of the provisions of this Act applicable thereto, all of the rights, privileges, and franchises of such association granted to it under the national-bank Act, or under the provisions of this Act, shall be thereby forfeited. Any noncompliance with or violation of this Act shall, however, be determined and adjudged by any court of the United States of competent jurisdiction in a suit brought for that purpose in the district or territory in which such bank is located, under direction of the Board of Governors of the Federal Reserve System, by the Comptroller of the Currency in his own name before the association shall be declared dissolved. In cases of such noncompliance or violation, other than the failure to become a member bank under the provisions of this Act, every director who participated in or assented to the same shall be held liable in his personal or individual capacity for all damages which said bank, its shareholders, or any other person shall have sustained in consequence of such violation.

[12 USC 501a. Part of original Federal Reserve Act; not amended.]

7. Effect of Dissolution

Such dissolution shall not take away or impair any remedy against such corporation, its stockholders or officers, for any liability or penalty which shall have been previously incurred.

[12 USC 501a. Part of original Federal Reserve Act; not amended.]

8. Stock Offered to Public

Should the subscriptions by banks to the stock of said Federal reserve banks or any one or more of them be, in the judgment of the organization committee, insufficient to provide the amount of capital required therefor, then and in that event the said organization committee may, under conditions and regulations to be prescribed by it, offer to public subscription at par such an amount of stock in said Federal reserve banks, or any one or more of them, as said committee shall determine, subject to the same conditions as to payment and stock liability as provided for member banks.

[Omitted from U.S. Code. Part of original Federal Reserve Act; not amended.]

5. 聯邦註冊銀行未接受本法規範者

任何聯邦註冊銀行未於 60 日內表示接受本法規範者，組織委員會或聯準會得於通知後 30 日，停止其擔任聯邦準備代理人之資格。

〔本項未列入美國法典，為原法案部分條文，並無修正。〕

6. 聯邦註冊銀行違反本法規定之罰則

於美國境內成立之聯邦註冊銀行，如於本法通過後 1 年內尚未成為會員銀行，或未遵守其應適用本法之規定者，將喪失所有依據聯邦註冊銀行法或本法規定所授予該銀行之權利、特許及專營權。於宣布解散該銀行前，違反本法規定之行為，應由通貨監理局長以其名義依聯準會之指示，於該銀行所在地之區域內提出訴訟，由聯邦具管轄權之法院予以審判。如不符或違反本法規定之情形，並非無法依本法規定成為會員銀行之行為，則參與或同意該決定之董事，應對該銀行及其股東或任何因違反規定造成損失之人，各自負賠償責任。

〔見美國法典第 12 編第 501a 條。本項為原法案部分條文，並無修正。〕

7. 解散之效力

前項之解散不應免除或減輕該銀行及其股東或職員，依前項規定應負擔之債務或處罰。

〔見美國法典第 12 編第 501a 條。本項為原法案部分條文，並無修正。〕

8. 公開發行股票

組織委員會於認為由銀行承購一家或多家聯邦準備銀行之股份仍不足所需之資本額時，得依其所定之條件及規則，按票面金額將一家或多家聯邦準備銀行之股份向大眾募集資金。關於付款及股東責任，與對會員銀行之規定相同。

〔本項未列入美國法典，為原法案部分條文，並無修正。〕

9. Limitation on Amount to One Subscriber

No individual, copartnership, or corporation other than a member bank of its district shall be permitted to subscribe for or to hold at any time more than $25,000 par value of stock in any Federal reserve bank. Such stock shall be known as public stock and may be transferred on the books of the Federal reserve bank by the chairman of the board of directors of such bank.

[12 USC 283. Part of original Federal Reserve Act; not amended.]

10. Stock Allotted to United States

Should the total subscriptions by banks and the public to the stock of said Federal reserve banks, or any one or more of them, be, in the judgment of the organization committee, insufficient to provide the amount of capital required therefor, then and in that event the said organization committee shall allot to the United States such an amount of said stock as said committee shall determine. Said United States stock shall be paid for at par out of any money in the Treasury not otherwise appropriated, and shall be held by the Secretary of the Treasury and disposed of for the benefit of the United States in such manner, at such times, and at such price, not less than par, as the Secretary of the Treasury shall determine.

[Omitted from U.S. Code. Part of original Federal Reserve Act; not amended. In a communication from the Board of Governors of the Federal Reserve System dated March 7, 1941, it was stated, "As originally enacted the Federal Reserve Act provided for a Reserve Bank Organization Committee to have charge of the initial steps in organizing the Federal Reserve System and this Committee was authorized to allot Federal Reserve Bank stock to the United States in the event that subscriptions to such stock by banks and by the public were inadequate. However, subscriptions by member banks were adequate and there was no necessity or authority for the allocation of any stock to the United States. Accordingly, [this paragraph] is now of no practical effect and may be regarded as obsolete."]

11. Voting Rights

Stock not held by member banks shall not be entitled to voting power.

[12 USC 285. Part of original Federal Reserve Act; not amended.]

12. Transfer of Stock

The Board of Governors of the Federal Reserve System is hereby empowered to adopt and promulgate rules and regulations governing the transfers of said stock.

[12 USC 286. Part of original Federal Reserve Act; not amended.]

9. 單一承購人之限額

會員銀行之區域內個人、合夥或公司不得承購或持有超過面額 25000 美元之聯邦準備銀行股票。該股票應視為公開發行之股票，並得由該聯邦準備銀行聯準會主席在該行帳戶內移轉。

〔見美國法典第 12 編第 283 條。本項為原法案部分條文，並無修正。〕

10. 分配予聯邦政府之股票

組織委員會於認為由銀行及大眾所承購一家或多家聯邦準備銀行之股份仍不足所需之資本額時，得決定將股份配售予聯邦政府。該聯邦政府承購之股份應由財政部就未指定用途之提撥款項內，按票面金額支付之，並由財政部長為名義所有人，及依財政部長之決定按有利於聯邦政府之方法、時間及不低於票面金額之價格處分之。

〔本項未列入美國法典，為原法案部分條文，並無修正。依 1941 年 3 月 7 日聯準會之通函，其載明「舊聯邦準備銀行法規定，聯邦準備銀行組織委員會具有聯邦準備制度初步成立時之監管權力。該委員會被授權裁量當銀行及大眾所承購之聯邦準備銀行股份不敷所需之資本額時，得配售予聯邦政府。惟由會員銀行承購之股份已足供所需資本額時，則該委員會無須或無權將聯邦準備銀行之股份配售予聯邦政府，故（本項）目前已不具實質效力，得視同廢止」。〕

11. 投票權

非由會員銀行所持有之股份，無投票權。

〔見美國法典第 12 編第 285 條。本項為原法案部分條文，並無修正。〕

12. 股票之轉讓

聯準會有權制訂及發布有關聯邦準備銀行股票轉讓之法規。

〔見美國法典第 12 編第 286 條。本項為原法案部分條文，並無修正。〕

13. Minimum Capital; Status of Reserve Cities

No Federal reserve bank shall commence business with a subscribed capital less than $4,000,000. The organization of reserve districts and Federal reserve cities shall not be construed as changing the present status of reserve cities, except in so far as this Act changes the amount of reserves that may be carried with approved reserve agents located therein. The organization committee shall have power to appoint such assistants and incur such expenses in carrying out the provisions of this Act as it shall deem necessary, and such expenses shall be payable by the Treasurer of the United States upon voucher approved by the Secretary of the Treasury, and the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment of such expenses.

[Last sentence of this paragraph is omitted from U.S. Code; rest of paragraph is incorporated in 12 USC 224 and 281. Amended by act of July 28, 1959 (73 Stat. 264).]

Section 2A. Monetary Policy Objectives

The Board of Governors of the Federal Reserve System and the Federal Open Market Committee shall maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates.

[12 USC 225a. As added by act of November 16, 1977 (91 Stat. 1387) and amended by acts of October 27, 1978 (92 Stat. 1897); Aug. 23, 1988 (102 Stat. 1375); and Dec. 27, 2000 (114 Stat. 3028).]

Section 2B. Appearances Before and Reports to the Congress

(a) Appearances before the Congress

1. The Chairman of the Board shall appear before the Congress at semi-annual hearings, as specified in paragraph (2), regarding
   A. the efforts, activities, objectives and plans of the Board and the Federal Open Market Committee with respect to the conduct of monetary policy; and
   B. economic developments and prospects for the future described in the report required in subsection (b).

13. 最低資本額及準備市之地位

承購資本額低於 400 萬美元之聯邦準備銀行，不得開始營業。準備區及聯邦準備市之組織，不得解釋為變更現有準備市之地位，但因本法變更準備金數額致影響其經核定為當地聯邦準備代理人者，不在此限。組織委員會為執行本法，得視需要指定助理人員及支領費用，且該費用應由聯邦國庫署長依財政部長所核准之單據核付之；惟 10 萬美元或該數額以內所必要之費用，應自國庫未指定用途之款項下支應之。

〔本項最後一句未列入美國法典，其餘規定則列入美國法典第 12 編第 224 條及第 281 條，並經 1959 年 7 月 28 日立法（法律輯錄第 73 冊第 264 頁）予以修正。〕

第 2A 條　貨幣政策之目標

聯準會及聯邦公開市場委員會應維持相當於長期經濟成長規模之貨幣與信用總計數之長期成長，俾有效達成充分就業、穩定物價及調節長期利率之目標。

〔見美國法典第 12 編第 225a 條，於 1977 年 11 月 6 日立法（法律輯錄第 91 冊第 1387 頁）增訂本項，並經 1978 年 10 月 27 日（法律輯錄第 92 冊第 1897 頁）、1988 年 8 月 23 日（法律輯錄第 102 冊第 1375 頁）及 2000 年 12 月 27 日（法律輯錄第 114 冊第 3028 頁）立法予以修正。〕

第 2B 條　出席國會及提交報告

(a)出席國會

1. 聯準會主席應就下列事項並依第 2 款規定，出席國會每半年之聽證：
   A. 聯準會與聯邦公開市場委員會關於執行貨幣政策之績效、業務、目標及計畫；及
   B. 依(b)項規定提交報告中所述，有關經濟發展及對未來之情勢預測。

2. The Chairman of the Board shall appear
   A. before the Committee on Banking and Financial Services of the House of Representatives on or about February 20 of even numbered calendar years and on or about July 20 of odd numbered calendar years;
   B. before the Committee on Banking, Housing, and Urban Affairs of the Senate on or about July 20 of even numbered calendar years and on or about February 20 of odd numbered calendar years; and
   C. before either Committee referred to in subparagraph (A) or (B), upon request, following the scheduled appearance of the Chairman before the other Committee under subparagraph (A) or (B).

[12 USC 225b. As added by act of Dec. 27, 2000 (114 Stat. 3028).]

(b) Congressional report.

The Board shall, concurrent with each semi-annual hearing required by this section, submit a written report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives, containing a discussion of the conduct of monetary policy and economic developments and prospects for the future, taking into account past and prospective developments in employment, unemployment, production,investment, real income, productivity, exchange rates, international trade and payments, and prices.

[12 USC 225b. As added by act of Dec. 27, 2000 (114 Stat. 3028).]

(c) Public access to information.

The Board shall place on its home Internet website, a link entitled `Audit', which shall link to a webpage that shall serve as a repository of information made available to the public for a reasonable period of time, not less than 6 months following the date of release of the relevant information, including--

1. the reports prepared by the Comptroller General under section 714 of title 31, United States Code;
2. the annual financial statements prepared by an independent auditor for the Board in accordance with section 11B;
3. the reports to the Committee on Banking, Housing, and Urban Affairs of the Senate required under section 13(3) (relating to emergency lending authority); and
4. such other information as the Board reasonably believes is necessary or helpful to the public in understanding the accounting, financial reporting, and internal controls of the Board and the Federal reserve banks.

2.聯準會主席應：
   A.於奇數年之 7 月 20 日及偶數年之 2 月 20 日前後，出席眾議院之住宅金融及財務事務委員會；
   B.於偶數年之 7 月 20 日及奇數年之 2 月 20 日前後，出席參議院之銀行住宅及都市事務委員會；及
   C.應前二款所述任一委員會之要求，依前二款應出席另一委員會之時程，同時出席之。

〔見美國法典第 12 編第 225b 條，並經 2000 年 12 月 27 日立法（法律輯錄第 114 冊第 3028 頁）予以增訂。〕

(b)提報國會

聯準會應於依本條規定出席每半年之聽證時，提交書面報告予參議院之銀行住宅及都市事務委員會及眾議院之住宅金融及財務事務委員會，其內容包含就過去及未來就業、失業、生產、投資、實質所得、生產力、匯率、國際貿易與收支及物價等情勢，提出對執行貨幣政策之檢討，以及對經濟發展與未來之預測。

〔見美國法典第 12 編第 225b 條，並經 2000 年 12 月 27 日立法（法律輯錄第 114 冊第 3028 頁）予以增訂。〕

(c)資訊公開

聯準會應於其網站之首頁，置放一標記為「稽核」之連結點，以連結至一可供公眾於下列資料公開後不得少於 6 個月之合理期間內，得上網查閱之資料庫：

1.由聯邦主計長依美國法典第 31 編第 714 條所提出之報告；
2.由聯準會之獨立監察人依本法第 11B 條所提出之年度財務報表；
3.依本法第 13(3)條（有關緊急融通之授權）對參議院之銀行住宅及都市事務委員會所提交之報告；及
4.其他聯準會合理認為有必要或有助於公眾瞭解該聯準會及聯邦準備銀行之會計、財務報告及內部控制之資訊。

[12 USC 225b. As added by act of July 21, 2010 (124 Stat. 2118).]

Section 3. Branch Offices

1. Establishment of Branches of Reserve Banks

The Board of Governors of the Federal Reserve System may permit or require any Federal reserve bank to establish branch banks within the Federal reserve district in which it is located or within the district of any Federal reserve bank which may have been suspended. Such branches, subject to such rules and regulations as the Board of Governors of the Federal Reserve System may prescribe, shall be operated under the supervision of a board of directors to consist of not more than seven nor less than three directors, of whom a majority of one shall be appointed by the Federal reserve bank of the district, and the remaining directors by the Board of Governors of the Federal Reserve System. Directors of branch banks shall hold office during the pleasure of the Board of Governors of the Federal Reserve System.

[12 USC 521. As amended by act of June 21, 1917 (40 Stat. 232).]

2. Discontinuance of Branches

The Board of Governors of the Federal Reserve System may at any time require any Federal Reserve Bank to discontinue any branch of such Federal Reserve Bank established under this section. The Federal Reserve Bank shall thereupon proceed to wind up the business of such branch bank, subject to such rules and regulations as the Board of Governors of the Federal Reserve System may prescribe.

[12 USC 521. As added by act of Feb. 25, 1927 (44 Stat. 1234).]

3. Erection of Branch Buildings

No Federal Reserve Bank shall have authority hereafter to enter into any contract or contracts for the erection of any branch bank building of any kind or character or to authorize the erection of any such building, except with the approval of the Board of Governors of the Federal Reserve System.

[12 USC 521. As added by act of Aug. 31, 1962 (76 Stat. 418).]

Section 4. Federal Reserve Banks

1. Organization of Reserve Banks

〔見美國法典第 12 編第 225b 條，並經 2010 年 7 月 21 日立法（法律輯錄第 124 冊第 2118 頁）予以增訂。〕

第 3 條　分行

1. 聯邦準備銀行分行之設立

聯準會得許可或要求任何聯邦準備銀行在其所屬之聯邦準備區或任何已停業之聯邦準備銀行區內，設立分行。依據聯準會所訂之法規，該等分行應由 3 人至 7 人組成之董事會監督，其中過半數董事應由該區聯邦準備銀行任命，其餘董事則由聯準會任命之。分行董事之任期由聯準會決定之。

〔見美國法典第 12 編第 521 條。並經 1917 年 6 月 21 日立法（法律輯錄第 40 冊第 232 頁）修正。〕

2. 分行之停業

聯準會得隨時要求聯邦準備銀行停止其依本條規定設立之分行營業。聯邦準備銀行隨即應依聯準會所定之法規進行解散該分行之程序。

〔見美國法典第 12 編第 521 條。1927 年 2 月 25 日立法（法律輯錄第 44 冊第 1234 頁）增訂本項。〕

3. 分行建築物之興建

聯邦準備銀行非經聯準會之許可，不得簽訂有關興建任何形式分行建築物之契約或授權興建該類建築物。

〔見美國法典第 12 編第 521 條，1962 年 8 月 31 日立法（法規輯錄第 76 冊第 481 頁）增訂本項。〕

第 4 條　聯邦準備銀行

1. 聯邦準備銀行之組織

When the organization committee shall have established Federal reserve districts as provided in section two of this Act, a certificate shall be filed with the Comptroller of the Currency showing the geographical limits of such districts and the Federal reserve city designated in each of such districts. The Comptroller of the Currency shall thereupon cause to be forwarded to each national bank located in each district, and to such other banks declared to be eligible by the organization committee which may apply therefor, an application blank in form to be approved by the organization committee, which blank shall contain a resolution to be adopted by the board of directors of each bank executing such application, authorizing a subscription to the capital stock of the Federal reserve bank organizing in that district in accordance with the provisions of this Act.

[Omitted from U.S. Code. Part of original Federal Reserve Act; not amended.]

2. Organization Certificate

When the minimum amount of capital stock prescribed by this Act for the organization of any Federal reserve bank shall have been subscribed and allotted, the organization committee shall designate any five banks of those whose applications have been received, to execute a certificate of organization, and thereupon the banks so designated shall, under their seals, make an organization certificate which shall specifically state the name of such Federal reserve bank, the territorial extent of the district over which the operations of such Federal reserve bank are to be carried on, the city and State in which said bank is to be located, the amount of capital stock and the number of shares into which the same is divided, the name and place of doing business of each bank executing such certificate, and of all banks which have subscribed to the capital stock of such Federal reserve bank and the number of shares, subscribed by each, and the fact that the certificate is made to enable those banks executing same, and all banks which have subscribed or may thereafter subscribe to the capital stock of such Federal reserve bank, to avail themselves of the advantages of this Act.

[Omitted from U.S. Code. Part of original Federal Reserve Act; not amended.]

3. Acknowledgment and Filing

The said organization certificate shall be acknowledged before a judge of some court of record or notary public; and shall be, together with the acknowledgment thereof, authenticated by the seal of such court, or notary, transmitted to the Comptroller of the Currency, who shall file, record and carefully preserve the same in his office.

[Omitted from U.S. Code. Part of original Federal Reserve Act; not amended.]

組織委員會於依第 2 條規定設立聯邦準備區時，應向通貨監理局長申報證明書，在各區之區域內及於各區指定之聯邦準備市，通貨監理局長應即通知位於各區內之聯邦註冊銀行，及其他經組織委員會宣布合格得申請加入之銀行，以組織委員會認可之空白申請表申請之；該申請表應包括各申請銀行董事會通過承購依本法規定於該區成立之聯邦準備銀行股票之決議。

〔本項未列入美國法典，為原法案部分條文，並無修正。〕

2. 組織證明書

當為成立聯邦準備銀行所需之本法所定最低股本業已認購及分配足額時，組織委員會應指定已收到其所填具申請書之任 5 家銀行出具組織證明書，被指定之銀行應即填製蓋有該行印信之組織證明書，並應載明該聯邦準備銀行之名稱、該聯邦準備銀行營業區域之範圍、該行所在地之州與城市、資本額與股數、出具該證明書之各銀行名稱與營業處所，以及所有承購該聯邦準備銀行股票之銀行，其各自承購股數與數額，並聲明出具該證明書之目的係使具名之銀行與已認購或嗣後將認購該聯邦準備銀行股票之銀行，均得享有本法利益之事實。

〔本項未列入美國法典，為原法案部分條文，並無修正。〕

3. 公證及備案

前項組織證明書應經法院法官或公證人公證，並應連同經法院或公證人印信證明之公證文件，送交通貨監理局長，由其存檔、記錄及妥為保管於辦公處所。

〔本項未列入美國法典，為原法案部分條文，並無修正。〕

4. General Corporate Powers

Upon the filing of such certificate with the Comptroller of the Currency as aforesaid, the said Federal reserve bank shall become a body corporate and as such, and in the name designated in such organization certificate, shall have power --

First. To adopt and use a corporate seal.

Second. To have succession after the approval of this Act until dissolved by Act of Congress or until forfeiture of franchise for violation of law.

Third. To make contracts

Fourth. To sue and be sued, complain and defend, in any court of law or equity.

Fifth. To appoint by its board of directors a president, vice presidents, and such officers and employees as are not otherwise provided for in this Act, to define their duties, require bonds for them and fix the penalty thereof, and to dismiss at pleasure such officers or employees. The president shall be the chief executive officer of the bank and shall be appointed by the Class B and Class C directors of the bank, with the approval of the Board of Governors of the Federal Reserve System, for a term of 5 years; and all other executive officers and all employees of the bank shall be directly responsible to the president. The first vice president of the bank shall be appointed in the same manner and for the same term as the president, and shall, in the absence or disability of the president or during a vacancy in the office of the president, serve as chief executive officer of the bank. Whenever a vacancy shall occur in the office of the president or the first vice president, it shall be filled in the manner provided for original appointments; and the person so appointed shall hold office until the expiration of the term of his predecessor.

Sixth. To prescribe by its board of directors, by-laws not inconsistent with law, regulating the manner in which its general business may be conducted, and the privileges granted to it by law may be exercised and enjoyed.

Seventh. To exercise by its board of directors, or duly authorized officers or agents, all powers specifically granted by the provisions of this Act and such incidental powers as shall be necessary to carry on the business of banking within the limitations prescribed by this Act.

Eighth. Upon deposit with the Treasurer of the United States of any bonds of the United States in the manner provided by existing law relating to national banks, to receive from the Secretary of the Treasury circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited, such notes to be issued under the same conditions and provisions of law as relate to the issue of circulating notes of national banks secured by bonds of the United States bearing the circulating privilege, except that the issue of such notes shall not be limited to the capital stock of such Federal reserve bank.

4. 一般公司法人權利

前項組織證明書向通貨監理局長備案後，該聯邦準備銀行即成為公司法人，並應依組織證明書所定之名稱而具有下列權利：

⑴得使用公司印信。

⑵於國會立法予以解散或因違法而被吊銷執照前，得自本法生效後存續。

⑶得簽訂契約。

⑷得在普通法院及衡平法院起訴與應訴，及提出告訴與辯護。

⑸得由董事會任命總裁１名，副總裁若干名，以及本法未規定之幹部與職員；並得訂定上述人員之職責，要求其提供保證書，規定有關罰則，以及得隨時解僱其幹部及職員。總裁為該行最高行政首長，由Ｂ類及Ｃ類董事提請聯準會核准後任命之，任期為５年；該行其他幹部及職員均直接對總裁負責。該行首席副總裁之任命程序及任期與總裁相同；總裁缺席或不能執行職務或缺位時，由首席副總裁擔任該行最高行政首長。總裁或首席副總裁缺位時，其繼任人應依原任命方式選任之；其任期至補足原任未滿之任期為止。

⑹得由董事會制訂施行細則，以規範一般業務及執行法律賦予之特權，且不得與法律牴觸。

⑺得由董事會或合法授權之職員或代理人，執行本法所賦予之權利，以及在本法所定範圍內，從事銀行業務所必要之相關權利。

⑻依現行有關聯邦註冊銀行之法定方式，將美國公債繳存於美國國庫後，得向財政部長領取經依法登記及加簽字樣、與所繳存公債數額相等之空白紙幣。該等紙幣之發行條件及法律依據與聯邦註冊銀行已具流通特質之美國公債為擔保發行之流通紙幣相同，惟發行數額不受該聯邦準備銀行股本之限制。

[12 USC 341. As amended by act of Feb. 25, 1927 (44 Stat. 1234), which amended subparagraph "Second;" by act of Aug. 23, 1935 (49 Stat. 703), which amended subparagraph "Fifth" effective March 1, 1936; by act of Sept. 23, 1994 (108 Stat. 2293), which amended subparagraph "Eighth"; and by act of July 21, 2010 (124 Stat. 2126), which amended subparagraph "Fifth." As to issuance of Federal Reserve bank notes and redemption of bonds securing such notes, see section 18, and note to the first paragraph of that section.]

5. Authority to Commence Business

But no Federal reserve bank shall transact any business except such as is incidental and necessarily preliminary to its organization until it has been authorized by the Comptroller of the Currency to commence business under the provisions of this Act.

[12 USC 341. Part of original Federal Reserve Act; not amended.]

6. Board of Directors

Every Federal reserve bank shall be conducted under the supervision and control of a board of directors.

[12 USC 301. Part of original Federal Reserve Act; not amended.]

7. Duties of Directors Generally

The board of directors shall perform the duties usually appertaining to the office of directors of banking associations and all such duties as are prescribed by law.

[12 USC 301. Part of original Federal Reserve Act; not amended.]

8. Administration of Affairs; Extension of Credit

Said board of directors shall administer the affairs of said bank fairly and impartially and without discrimination in favor of or against any member bank or banks and may, subject to the provisions of law and the orders of the Board of Governors of the Federal Reserve System, extend to each member bank such discounts, advancements, and accommodations as may be safely and reasonably made with due regard for the claims and demands of other member banks, the maintenance of sound credit conditions, and the accommodation of commerce, industry, and agriculture. The Board of Governors of the Federal Reserve System may prescribe regulations further defining within the limitations of this Act the conditions under which discounts, advancements, and the accommodations may be extended to member banks. Each Federal reserve bank shall keep itself informed of the general character and amount of the loans and investments of its member banks with a view to ascertaining whether undue use is being made of bank credit for the speculative carrying of

〔見美國法律第 12 編第 341 條。1927 年 2 月 25 日立法（法律輯錄第 44 冊第 1234 頁）修正第 2 項；1935 年 8 月 23 日立法（法律輯錄第 49 冊第 703 頁）修正第 5 項，並於 1936 年 3 月 1 日生效；1994 年 9 月 23 日立法（法律輯錄第 108 冊第 2293 頁）修正第 8 項；2010 年 7 月 21 日立法（法律輯錄第 124 冊第 2126 頁）修正第 5 項。有關聯邦準備銀行紙幣之發行及擔保該等紙幣公債之贖回事項，參閱第 18 條及該條第 1 項之附註〕

5. 開始營業之權利

聯邦準備銀行未經通貨監理局長依本法規定核准其開始營業者，不得從事任何業務。但突發及成立前之籌備事項，不在此限。

〔見美國法典第 12 編第 341 條。為原法案部分條文，並無修正。〕

6. 董事會

各聯邦準備銀行應在其董事會之監督及管理下經營。

〔見美國法典第 12 編第 301 條。為原法案部分條文，並無修正。〕

7. 董事之一般責任

董事會應負擔一般銀行董事之專屬責任及法律所定之一切責任。

〔見美國法典第 12 編第 301 條。為原法案部分條文，並無修正。〕

8.業務之管理、授信

上述董事會應以公平、公正且不歧視任何會員銀行之原則管理該行業務，並得依法律及聯準會所定命令，對各會員銀行之維持健全信用狀況，及提供農工商業資金融通為適當考量後，以安全及合理方式提供各會員銀行各種貼現、墊款及融通。聯準會得於本法所定範圍內，進一步規定對會員銀行提供貼現、墊款及融通業務之條件。各聯邦準備銀行應瞭解其會員銀行放款及投資之一般性質及金額，以確定銀行信用是否不當使用於投機性證券、不動產或商品交易，或為其他不

or trading in securities, real estate, or commodities, or for any other purpose inconsistent with the maintenance of sound credit conditions; and, in determining whether to grant or refuse advances, rediscounts or other credit accommodations, the Federal reserve bank shall give consideration to such information. The chairman of the Federal reserve bank shall report to the Board of Governors of the Federal Reserve System any such undue use of bank credit by any member bank, together with his recommendation. Whenever, in the judgment of the Board of Governors of the Federal Reserve System, any member bank is making such undue use of bank credit, the Board may, in its discretion, after reasonable notice and an opportunity for a hearing, suspend such bank from the use of the credit facilities of the Federal Reserve System and may terminate such suspension or may renew it from time to time.

[12 USC 301. As amended by act of June 16, 1933 (48 Stat. 163).]

9. Number and Classes of Directors

Such board of directors shall be selected as hereinafter specified and shall consist of nine members, holding office for three years, and divided into three classes, designated as classes A, B, and C.

[12 USC 302. Part of original Federal Reserve Act; not amended.]

10. Class A Directors

Class A shall consist of three members, without discrimination on the basis of race, creed, color, sex, or national origin, who shall be chosen by and be representative of the stockholding banks.

[12 USC 302. As amended by act of Nov. 16, 1977 (91 Stat. 1387).]

11. Class B Directors

Class B shall consist of three members, who shall represent the public and shall be elected without discrimination on the basis of race, creed, color, sex, or national origin, and with due but not exclusive consideration to the interests of agriculture, commerce, industry, services, labor, and consumers.

[12 USC 302. As amended by act of Nov. 16, 1977 (91 Stat. 1388).]

12. Class C Directors

Class C shall consist of three members who shall be designated by the Board of Governors of the Federal Reserve System. They shall be elected to represent the public, without discrimination on the basis of race, creed, color, sex, or national origin, and with due but not exclusive consideration to the interests of agriculture, commerce, industry, services, labor and consumers. When the necessary subscriptions to the capital stock have been obtained for the

符合維持健全信用目的之用。聯邦準備銀行於准駁墊款、貼現或其他信用融通之申請時，應參考上述資料。聯邦準備銀行總裁應將會員銀行不當使用銀行信用之情事，附陳建議向聯準會報告。會員銀行經聯準會認定從事不當使用銀行信用時，聯準會經合法通知及給予聽證機會後，得中止該銀行利用聯邦準備制度之信用融通，及得隨時撤銷該中止裁定或再中止其權利。

〔見美國法典第 12 編第 301 條。經 1933 年 6 月 16 日立法（法律輯錄第 48 冊第 163 頁）修正。〕

9. 董事之名額及種類

董事會由依以下各項規定選任之董事 9 人組成之，任期為 3 年，依 A、B、C 三類委任之。

〔見美國法典第 12 編第 302 條。為原法案部分條文，並無修正。〕

10.A 類董事

A 類董事由持有股票之銀行不分人種、信仰、膚色、性別或原始國籍選出 3 人組成之，並代表持有股票之銀行。

〔見美國法典第 12 編第 302 條。經 1977 年 11 月 16 日立法（法律輯錄第 91 冊第 1387 頁）修正。〕

11.B 類董事

B 類董事代表一般民眾，應不分人種、信仰、膚色、性別或原始國籍選出 3 人組成之，並應適當而非完全考慮農工商、服務業或勞工及消費者之利益。

〔見美國法典第 12 編第 302 條。經 1977 年 11 月 16 日立法（法律輯錄第 91 冊第 1388 頁）修正。〕

12.C 類董事

C 類董事應由聯準會選派 3 人組成之；其應不分人種、信仰、膚色、性別或原始國籍，自一般民眾中選出，並應適當而非完全考慮農工商、服務業或勞工及消費者之利益。當聯邦準

organization of any Federal reserve bank, the Board of Governors of the Federal Reserve System shall appoint the class C directors and shall designate one of such directors as chairman of the board to be selected. Pending the designation of such chairman, the organization committee shall exercise the powers and duties appertaining to the office of chairman in the organization of such Federal reserve bank.

[12 USC 302. As amended by act of Nov. 16, 1977 (91 Stat. 1388).]

13. Senator or Representative Ineligible

No Senator or Representative in Congress shall be a member of the Board of Governors of the Federal Reserve System or an officer or a director of a Federal reserve bank.

[12 USC 303. Part of original Federal Reserve Act; not amended.]

14. Class B Directors as Employees of Banks

No director of class B shall be an officer, director, or employee of any bank.

[12 USC 303. Part of original Federal Reserve Act; not amended.]

15. Class C Directors as Employees or Stockholders of Banks

No director of class C shall be an officer, director, employee, or stockholder of any bank.

[12 USC 303. Part of original Federal Reserve Act; not amended.]

16. Nomination and Election of Class A and B Directors

Directors of class A and class B shall be chosen in the following manner:

The Board of Governors of the Federal Reserve System shall classify the member banks of the district into three general groups or divisions, designating each group by number. Each group shall consist as nearly as may be of banks of similar capitalization. Each member bank shall be permitted to nominate to the chairman of the board of directors of the Federal reserve bank of the district one candidate for director of class A and one candidate for director of class B. The candidates so nominated shall be listed by the chairman, indicating by whom nominated, and a copy of said list shall, within fifteen days after its completion, be furnished by the chairman to each member bank. Each member bank by a resolution of the board or by an amendment to its by-laws shall authorize its president, cashier, or some other officer to cast the vote of the member bank in the elections of class A and class B directors: Provided, That whenever any member banks within the same Federal Reserve district are subsidiaries of the same bank holding company within the meaning of the Bank Holding Company Act of 1956, participation in any such nomination or election by such member banks, including such bank holding company if it is also a member bank, shall be confined to one of such banks, which may be designated for the purpose by such holding company.

備銀行認足其必要之設立資本時，聯準會應選派C類董事，並指定其中1人為總裁。在指定該總裁前，組織委員會應執行有關該聯邦準備銀行總裁之權責。

〔見美國法典第12編第302條。經1977年11月16日立法（法律輯錄第91冊第1388頁）修正。〕

13.參眾議員均不得擔任理事

國會之參議員及眾議員均不得擔任聯準會理事，或聯邦準備銀行之幹部或董事。

〔見美國法典第12編第303條。為原法案部分條文，並無修正。〕

14.B類董事不得擔任銀行職員

B類董事不得擔任任何銀行之幹部、董事或職員。

〔見美國法典第12編第303條。為原法案部分條文，並無修正。〕

15.C類董事不得擔任銀行之職員或股東

C類董事不得擔任任何銀行之幹部、董事、職員或股東。

〔見美國法典第12編第303條。為原法案部分條文，並無修正。〕

16.A類及B類董事之提名及選任

A類及B類董事應依下列方式選任之：

聯準會應將各區內之會員銀行分為三類，以號數區分之。各類應由股本大致相同之銀行組成之。各會員銀行得向該區聯邦準備銀行總裁提名A類與B類董事人選各1人。總裁應將提名人選列表，註明提名單位，並於列表完成15日內，分送各會員銀行。各會員銀行經董事會決議或修訂施行細則得授權其總經理、經理或其他職員於選舉A類與B類董事時，代表該行投票。但如同一聯邦準備區中之會員銀行同屬1956年銀行持股公司法所定之銀行持股公司之子公司，該會員銀行，包括該銀行持股公司亦為會員銀行，在參與提名及選舉時，應由該持股公司指定一家銀行行使其權利。

[12 USC 304. As amended by acts of Sept. 26, 1918 (40 Stat. 968); June 16, 1933 (48 Stat. 163); July 1, 1966 (80 Stat. 243).]

17. Preferential Ballot

Within fifteen days after receipt of the list of candidates the duly authorized officer of a member bank shall certify to the chairman his first, second, and other choices for director of class A and class B, respectively, upon a preferential ballot upon a form furnished by the chairman of the board of directors of the Federal reserve bank of the district. Each such officer shall make a cross opposite the name of the first, second, and other choices for a director of class A and for a director of class B, but shall not vote more than one choice for any one candidate. No officer or director of a member bank shall be eligible to serve as a class A director unless nominated and elected by banks which are members of the same group as the member bank of which he is an officer or director.

[12 USC 304. As amended by act of Sept. 26, 1918 (40 Stat. 968).]

18. Candidates Serving More Than One Member Bank

Any person who is an officer or director of more than one member bank shall not be eligible for nomination as a class A director except by banks in the same group as the bank having the largest aggregate resources of any of those of which such person is an officer or director.

[12 USC 304. As added by act of Sept. 26, 1918 (40 Stat. 968).]

19. Counting the Ballots

Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. The candidate then having a majority of the electors voting and the highest number of combined votes shall be declared elected. If no candidate have a majority of electors voting and the highest number of votes when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared.

[12 USC 304. As amended by act of June 26, 1930 (46 Stat. 815).]

〔見美國法典第 12 編第 304 條。1918 年 9 月 26 日立法（法律輯錄第 40 冊第 968 頁）修正；1933 年 6 月 16 日立法（法律輯錄第 48 冊第 163 頁）及 1966 年 7 月 1 日立法（法律輯錄第 80 冊第 243 頁）修正。〕

17.優先程序之投票

經會員銀行正式授權之幹部，於收到候選人名單後 15 日內，應將其所推舉Ａ類及Ｂ類董事人選分類依第一、第二或其他選擇填入該區聯邦準備銀行總裁所製發之表格內，送達總裁。該幹部應在區分為Ａ類及Ｂ類董事為第一、第二及其他選擇之姓名旁圈定，但不得對任一候選人重複投票。會員銀行之幹部或董事不得擔任Ａ類董事，但由其擔任幹部或董事之會員銀行同一集團銀行所提名及選舉者，不在此限。

〔見美國法典第 12 編第 304 條。1918 年 9 月 26 日立法（法律輯錄第 40 冊第 968 頁）修正〕

18.成為一家以上會員銀行之候選人

擔任一家以上會員銀行幹部或董事之人，不得為Ａ類董事之候選人。但由該人擔任幹部或董事之銀行，其同一集團中資產比例最高者所提名者，不在此限。

〔見美國法典第 12 編第 304 條。1918 年 9 月 26 日立法（法律輯錄第 40 冊第 968 頁）增訂本項。〕

19.選票之計算

任一候選人之第一選擇欄票數過半數者，應即宣布當選。如無候選人在第一選擇欄投票中獲過半數票數時，應將投票人所投第二選擇欄之票數與第一選擇欄之票數合併計算，候選人得票過半數且合併票數最高者應宣布當選。如無候選人於第一及第二選擇欄票數過半數及得票最高時，則為其他選擇之第三欄應以同樣方式合併計算，候選人得票最高者應宣布當選。選舉結果應立即公布。

〔見美國法典第 12 編第 304 條。1930 年 6 月 26 日立法（法律輯錄第 46 冊第 815 頁）修正。〕

20. Class C Directors; Chairman and Federal Reserve Agent; Deputy Chairman

Class C directors shall be appointed by the Board of Governors of the Federal Reserve System. They shall have been for at least two years residents of the district for which they are appointed, one of whom shall be designated by said board as chairman of the board of directors of the Federal reserve bank and as "Federal reserve agent." He shall be a person of tested banking experience, and in addition to his duties as chairman of the board of directors of the Federal reserve bank he shall be required to maintain, under regulations to be established by the Board of Governors of the Federal Reserve System, a local office of said board on the premises of the Federal reserve bank. He shall make regular reports to the Board of Governors of the Federal Reserve System and shall act as its official representative for the performance of the functions conferred upon it by this Act. He shall receive an annual compensation to be fixed by the Board of Governors of the Federal Reserve System and paid monthly by the Federal reserve bank to which he is designated. One of the directors of class C shall be appointed by the Board of Governors of the Federal Reserve System as deputy chairman to exercise the powers of the chairman of the board when necessary. In case of the absence of the chairman and deputy chairman, the third class C director shall preside at meetings of the board.

[12 USC 305. As amended by act of June 21, 1917 (40 Stat. 232).]

21. Assistant Federal Reserve Agents

Subject to the approval of the Board of Governors of the Federal Reserve System, the Federal reserve agent shall appoint one or more assistants. Such assistants, who shall be persons of tested banking experience, shall assist the Federal reserve agent in the performance of his duties and shall also have power to act in his name and stead during his absence or disability. The Board of Governors of the Federal Reserve System shall require such bonds of the assistant Federal reserve agents as it may deem necessary for the protection of the United States. Assistants to the Federal reserve agent shall receive an annual compensation, to be fixed and paid in the same manner as that of the Federal reserve agent.

[12 USC 306. As added by act of June 21, 1917 (40 Stat. 232).]

22. Compensation and Expenses of Directors, Officers, and Employees

Directors of Federal reserve banks shall receive, in addition to any compensation otherwise provided, a reasonable allowance for necessary expenses in attending meetings of their respective boards, which amounts shall be paid by the respective Federal reserve banks. Any compensation that may be provided by boards of directors of Federal reserve banks for directors, officers or employees shall be subject to the approval of the Board of Governors of the Federal Reserve System.

[12 USC 307. Part of original Federal Reserve Act; not amended.]

20.C 類董事、總裁兼聯邦準備代理人、副總裁

C 類董事應由聯準會任命之。C 類董事至少應居住該區兩年以上，其中一人應由董事會指定為該聯邦準備銀行之總裁，並擔任「聯邦準備代理人」之職。該人應具銀行實務經驗，且除擔任該聯邦準備銀行總裁外，應依聯準會所定規則，在聯邦準備銀行位址內設立該董事會之當地辦事處。總裁應向聯準會提出定期報告，並擔任其官方代表執行本法所賦予之職權。總裁得支領聯準會每年所定之報酬，並由任職之聯邦準備銀行按月給付之。聯準會應指定C類董事中一人為副總裁，於必要時執行總裁之職權，總裁及副總裁均缺席時，第三位 C 類董事應於董事會開會時擔任主席。

〔見美國法典第 12 編第 305 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 232 頁）修正。〕

21.聯邦準備代理人助理

聯邦準備代理人經理事會核准得任用助理一人以上；該助理應具備銀行實務經驗，協助聯邦準備代理人執行其職務，並有權於聯邦準備代理人缺席或不能執行職務時代理其職務。聯準會為保護聯邦利益，於必要時得要求聯邦準備代理人助理提供保證；聯邦準備代理人助理應比照聯邦準備代理人訂定及支領報酬之方法，受領每年之報酬。

〔見美國法典第 12 編第 306 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 232 頁）增訂本項。〕

22.董事、幹部及雇員之報酬及費用

聯邦準備銀行董事，除其他規定之報酬外，得請領因出席各董事會所需費用之合理津貼，並由各聯邦準備銀行支付之。聯邦準備銀行董事會為董事、幹部或雇員所定之任何報酬，應經聯準會之核准。

〔見美國法典第 12 編第 307 條。為原法案部分條文，並無修正。〕

23. Meetings of Directors Pending Organization

The Reserve Bank Organization Committee may, in organizing Federal reserve banks, call such meetings of bank directors in the several districts as may be necessary to carry out the purposes of this Act, and may exercise the functions herein conferred upon the chairman of the board of directors of each Federal reserve bank pending the complete organization of such bank.

[Omitted from U.S. Code. Part of original Federal Reserve Act; not amended.]

24. Terms of Directors; Vacancies

At the first meeting of the full board of directors of each Federal reserve bank, it shall be the duty of the directors of classes A, B and C, respectively, to designate one of the members of each class whose term of office shall expire in one year from the first of January nearest to date of such meeting, one whose term of office shall expire at the end of two years from said date, and one whose term of office shall expire at the end of three years from said date. Thereafter every director of a Federal reserve bank chosen as hereinbefore provided shall hold office for a term of three years. Vacancies that may occur in the several classes of directors of Federal reserve banks may be filled in the manner provided for the original selection of such directors, such appointees to hold office for the unexpired terms of their predecessors.

[12 USC 308. Part of original Federal Reserve Act; not amended.]

Section 5. Stock Issues; Increase and Decrease of Capital

1. Amount of Shares; Increase and Decrease of Capital; Surrender and Cancellation of Stock

The capital stock of each Federal reserve bank shall be divided into shares of $100 each. The outstanding capital stock shall be increased from time to time as member banks increase their capital stock and surplus or as additional banks become members, and may be decreased as member banks reduce their capital stock or surplus or cease to be members. Shares of the capital stock of Federal reserve banks owned by member banks shall not be transferred or hypothecated. When a member bank increases its capital stock or surplus, it shall thereupon subscribe for an additional amount of capital stock of the Federal reserve bank of its district equal to 6 per centum of the said increase, one-half of said subscription to be paid in the manner hereinbefore provided for original subscription, and one-half subject to call of the Board of Governors of the Federal Reserve System. A bank applying for stock in a Federal reserve bank at any time after the organization thereof must subscribe for an amount of the capital stock of the Federal reserve bank equal to 6 per centum of the paid-up capital stock and surplus of said applicant bank, paying therefor its par value plus one-half of 1 per centum a month from the period of the last dividend. When a member bank reduces its capital stock or surplus it shall surrender a

23.成立前之董事會議

聯邦準備銀行組織委員會於籌組聯邦準備銀行時，為執行本法，必要時得在各區召開銀行董事會，並得於各聯邦準備銀行成立前，執行該行董事會總裁之職權。

〔本項並未列入美國法典，為原法案部分條文，並無修正。〕

24.董事之任期、出缺之補選

各聯邦準備銀行召開第一次全體董事會議時，A、B、C三類董事應分別指定各類中一人之任期，自該會議日期最近之 1 月 1 日起算 1 年到期；另指定一人之任期自該日起 2 年到期，另一人之任期自該日起 3 年到期。嗣後，依前述規定選任之聯邦準備銀行各類董事之任期為 3 年。聯邦準備銀行各類董事得依該董事原選任方式補選之，其任期至補足原任未滿之任期為止。

〔見美國法典第 12 編第 306 條。為原法案部分條文，並無修正。〕

第 5 條　股票之發行、資本之增減

1. 股數、資本之增減、股票之繳還及撤銷

各聯邦準備銀行之股票應為各 100 美元面額之股票。其發行餘額應隨會員銀行資本及累積盈餘之增加，或銀行新加入為會員銀行而增加，並隨會員銀行資本及累積盈餘之減少，或停止為會員銀行而減少。會員銀行所有之聯邦準備銀行股票不得轉讓或質押。會員銀行增加其資本或累積盈餘時，應即增購其資本或累積盈餘 6%之該區聯邦準備銀行股票，其中 1/6 應依前述初次認購方式繳納股款，另 1/2 應依聯準會命令繳納之。銀行在聯邦準備銀行成立後申請認購該聯邦準備銀行股票時，應認購等於其實收資本及累積盈餘合計 6%之聯邦準備銀行股票，並依面額加上最近發放股息日起每月千分之五計算之股息繳納之。會員銀行如減少其資本及累積盈餘時，應按比例降低其持有聯邦準備銀行之股票數額。會員銀

proportionate amount of its holdings in the capital stock of said Federal Reserve bank. Any member bank which holds capital stock of a Federal Reserve bank in excess of the amount required on the basis of 6 per centum of its paid-up capital stock and surplus shall surrender such excess stock. When a member bank voluntarily liquidates it shall surrender all of its holdings of the capital stock of said Federal Reserve bank and be released from its stock subscription not previously called. In any such case the shares surrendered shall be canceled and the member bank shall receive in payment therefor, under regulations to be prescribed by the Board of Governors of the Federal Reserve System, a sum equal to its cash-paid subscriptions on the shares surrendered and one-half of 1 per centum a month from the period of the last dividend, not to exceed the book value thereof, less any liability of such member bank to the Federal Reserve bank.

[12 USC 287. As amended by act of Aug. 23, 1935 (49 Stat. 713).]

Section 6. Insolvency of Member Banks

1. Insolvency of Member Banks

If any member bank shall be declared insolvent and a receiver appointed therefor, the stock held by it in said Federal reserve bank shall be canceled, without impairment of its liability, and all cash-paid subscriptions on said stock, with one-half of 1 per centum per month from the period of last dividend, if earned, not to exceed the book value thereof, shall be first applied to all debts of the insolvent member bank to the Federal reserve bank, and the balance, if any, shall be paid to the receiver of the insolvent bank.

[12 USC 288. As amended by act of April 23, 1930 (46 Stat. 250).]

2. National Bank Discontinuing Banking Operations

If any national bank which has not gone into liquidation as provided in section 5220 of the Revised Statutes (United States Code, title 12, section 181) and for which a receiver has not already been appointed for other lawful cause, shall discontinue its banking operations for a period of sixty days the Comptroller of the Currency may, if he deems it advisable, appoint a receiver for such bank. The stock held by the said national bank in the Federal reserve bank of its district shall thereupon be canceled and said national bank shall receive in payment therefor, under regulations to be prescribed by the Board of Governors of the Federal Reserve System, a sum equal to its cash-paid subscriptions on the shares canceled and one-half of 1 per centum a month from the period of the last dividend, if earned, not to exceed the book value thereof, less any liability of such national bank to the Federal reserve bank.

行持有聯邦準備銀行股數超過其實收資本及累積盈餘合計 6% 者，應繳還該超額股票；會員銀行自行清算時，應繳還其持有之聯邦準備銀行股票，並免除其尚未繳款之認購股票義務。因此而繳還之股票應予註銷，該會員銀行並得依聯準會所定規則，受領其繳還股票之現金支付認股款及最近發放股息日起每月千分之五計算之股息，但不得超過該股票帳面價值扣除該會員銀行對聯邦準備銀行債務之數額。

〔見美國法典第 12 編第 287 條。1935 年 8 月 23 日立法（法律輯錄第 49 冊第 731 頁）修正。〕

第 6 條　會員銀行之破產

1. 會員銀行之破產

會員銀行宣告破產而指定清算人時，其所持有之聯邦準備銀行股票，在不減輕其債務，及上述股票之現金認購與最近發放股息日起每月千分之五計算之股息情況下，應予註銷；如有盈餘，在不超過帳面價值範圍內，應優先清償該破產會員銀行對聯邦準備銀行之債務；如仍有餘額，應交付該破產銀行之清算人。

〔見美國法典第 12 編第 288 條。1930 年 4 月 23 日立法（法律輯錄第 46 冊第 250 頁）修正。〕

2. 聯邦註冊銀行之停業

聯邦註冊銀行如依「修正法律」（美國法典第 12 編第 181 條）第 5220 條規定未進行清算，且因其他法律原因未指定清算人時，應停止營業 60 日；通貨監理局長於必要時，得為該銀行指派清算人。該聯邦註冊銀行持有之該區聯邦準備銀行股票應即註銷。該聯邦註冊銀行得依聯準會所定規則，受領該註銷股票之現金支付認股款及最近發放股息日起每月千分之五計算之股息；如有盈餘，在不超過其帳面價值範圍內，應扣除該聯邦註冊銀行對聯邦準備銀行之債務。

[12 USC 288. As added by act of April 23, 1930 (46 Stat. 250). As amended by act of Aug. 23, 1935 (49 Stat. 713).]

Section 7. Division of Earnings

Dividends and Surplus Fund of Reserve Banks

(a)

1.

A. After all necessary expenses of a Federal reserve bank have been paid or provided for, the stockholders of the bank shall be entitled to receive an annual dividend of 6 percent on paid-in capital stock.

B. The entitlement to dividends under subparagraph (A) shall be cumulative.

2. That portion of net earnings of each Federal reserve bank which remains after dividend claims under subparagraph (1)(A) have been fully met shall be deposited in the surplus fund of the bank.

(b) Transfer for fiscal year 2000.

1. The Federal reserve banks shall transfer from the surplus funds of such banks to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, a total amount of $3,752,000,000 in fiscal year 2000.

2. Of the total amount required to be paid by the Federal reserve banks under paragraph (1) for fiscal year 2000, the Board shall determine the amount each such bank shall pay in such fiscal year.

3. During fiscal year 2000, no Federal reserve bank may replenish such bank's surplus fund by the amount of any transfer by such bank under paragraph (1).

[12 USC 289. As amended by acts of March 3, 1919 (40 Stat. 1314); June 16, 1933 (48 Stat. 163); Aug. 10, 1993 (107 Stat. 337); Sept. 23, 1994 (108 Stat. 2291); and Nov. 29, 1999 (113 Stat. 1501A-304), which added this subsection (b) but failed to redesignate existing subsection (b) (12 USC 290).]

〔見美國法典第 12 編第 288 條。1930 年 4 月 23 日立法（法律輯錄第 46 冊第 250 頁）增訂之條文；1935 年 8 月 23 日立法（法律輯錄第 49 冊第 713 頁）修正。〕

第 7 條　盈餘之分配

聯邦準備銀行之股息及盈餘基金

(a)

1.

A.於聯邦準備銀行支付或提撥必要費用後，股東有受領按實收資本額 6 %計算股息之權利；

B.前款所定股息受領權利應予累計。

2. 上述股息金額分派後所保留予各聯邦準備銀行之淨盈餘部分，應撥入該聯邦準備銀行之盈餘基金內。

(b)2000 年會計年度盈餘之移轉

1. 各聯邦準備銀行應將 2000 年會計年度撥入盈餘基金內之盈餘共計 37 億 5 千 2 百萬美元轉交予聯準會，移供財政部長繳存於財政部一般基金。

2. 前款所定應轉交之 2000 年會計年度盈餘總額，應由聯準會決定各聯邦準備銀行應支付之數額。

3. 於 2000 年會計年度期間，各聯邦準備銀行不得以第 1 款所定各聯邦準備銀行應轉交之盈餘數額，補足其盈餘基金。

〔見美國法典第 12 編第 289 條。1919 年 3 月 3 日立法（法律輯錄第 46 冊第 250 頁）；1933 年 6 月 16 日立法（法律輯錄第 49 冊第 713 頁）；1993 年 8 月 10 日立法（法律輯錄第 107 冊第 337 頁）；1994 年 9 月 23 日立法（法律輯錄第 108 冊第 2291 頁）修正；1999 年 11 月 29 日立法（法律輯錄第 113 冊第 1501A-304 頁）增訂(b)項，但未重訂原(b)項。〕

Use of Earnings Transferred to the Treasury

(b) The net earnings derived by the United States from Federal reserve banks shall, in the discretion of the Secretary, be used to supplement the gold reserve held against outstanding United States notes, or shall be applied to the reduction of the outstanding bonded indebtedness of the United States under regulations to be prescribed by the Secretary of the Treasury. Should a Federal reserve bank be dissolved or go into liquidation, any surplus remaining, after the payment of all debts, dividend requirements as hereinbefore provided, and the par value of the stock, shall be paid to and become the property of the United States and shall be similarly applied.

[12 USC 290. Part of original Federal Reserve Act; not amended. Designated subsection (b) by act of Aug. 10, 1993 (107 Stat. 337).]

Exemption from Taxation

(c) Federal reserve banks, including the capital stock and surplus therein, and the income derived therefrom shall be exempt from Federal, State, and local taxation, except taxes upon real estate.

[12 USC 531. Part of original Federal Reserve Act; but see 31 USC 3124(a), which reads as follows: "(a) Stocks and obligations of the United States Government are exempt from taxation by a State or political subdivision of a State. The exemption applies to each form of taxation that would require the obligation, the interest on the obligation, or both, to be considered in computing a tax, except-- (1) a nondiscriminatory franchise tax or another nonproperty tax instead of a franchise tax, imposed on a corporation; and (2) an estate or inheritance tax." [Designated subsection (c) by act of Aug. 10, 1993 (107 Stat. 338).]

Section 8. Conversion of State Banks into National Banks

1. Conversion of State Banks into National Banks

Section fifty-one hundred and fifty-four, United States Revised Statutes, is hereby amended to read as follows:

Any bank incorporated by special law of any State or of the United States or organized under the general laws of any State or of the United States and having an unimpaired capital sufficient to entitle it to become a national banking association under the provisions of the existing laws may, by the vote of the shareholders owning not less than fifty-one per centum of the capital stock of such bank or banking association, with the approval of the Comptroller of the Currency be converted into a national banking association, with a name that contains the word "national":

[12 USC 35. Part of original Federal Reserve Act. As amended by act of Jan. 12, 1983 (96 Stat. 2509).]

盈餘移撥財政部使用

(b)聯邦政府自聯邦準備銀行取得之淨盈餘，應由財政部長裁量，用以補充發行聯邦鈔券之黃金準備，或依財政部所定規則用以減少聯邦政府公債餘額；如聯邦準備銀行解散或進行清算，其盈餘於清償全部債務、上述規定之股息及股票面額後之餘款，應繳庫而成為聯邦政府之財產，並應以同樣方式運用之。

〔見美國法典第 12 編第 290 條。為原法案部分條文，並無修正。〕

免稅

(c)聯邦準備銀行之股本、累積盈餘及所產生之收益免納聯邦、州及地方稅，但對不動產課徵之稅，不在此限。

〔見美國法典第 12 編第 531 條。為原法案部分條文，但事實上已經美國法典第 31 編第 3124 條第(a)項修訂如下：(a)聯邦政府之股票及債務免納州或州行政單位所課之稅，免稅規定適用於稅價之債務、債務利息，或兩者之各類課稅形式，但下列二類不在此限：(1)對公司所課徵之無差別特許稅或其他代替特許稅之非財產稅；及(2)財產或遺產稅。〕

第 8 條　州註冊銀行改組為聯邦註冊銀行

1. 州註冊銀行改組為聯邦註冊銀行

茲將「聯邦修正法律」第 5154 條規定，修正如下：

依州或聯邦特別法設立，或依州或聯邦普通法所成立之銀行，依現行法律規定，具備足以使其成為聯邦註冊銀行之資本額者，得經持有資本總額 51 %以上股東投票同意，並經通貨監理局長之許可，改組為聯邦註冊銀行；其名稱應包含「聯邦」一詞。

〔見美國法典第 12 編第 35 條。為原法案部分條文。1983 年 1 月 12 日立法修正(法律輯錄第 96 冊第 2509 頁)。〕

2. Organization of New Bank; Amount of Shares; Powers and Duties

Provided, however, That said conversion shall not be in contravention of the State law. In such case the articles of association and organization certificate may be executed by a majority of the directors of the bank or banking institution, and the certificate shall declare that the owners of fifty-one per centum of the capital stock have authorized the directors to make such certificate and to change or convert the bank or banking institution into a national association. A majority of the directors, after executing the articles of association and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a national association. The shares of any such bank may continue to be for the same amount each as they were before the conversion, and the directors may continue to be directors of the association until others are elected or appointed in accordance with the provisions of the statutes of the United States. When the Comptroller has given to such bank or banking association a certificate that the provisions of this Act have been complied with, such bank or banking association, and all its stockholders, officers, and employees, shall have the same powers and privileges, and shall be subject to the same duties, liabilities, and regulations, in all respects, as shall have been prescribed by the Federal Reserve Act and by the National Banking Act for associations originally organized as national banking associations.

[12 USC 35. Part of original Federal Reserve Act; not amended.]

3. Assets of Converting Bank; Certain Disapprovals

The Comptroller of the Currency may, in his discretion and subject to such conditions as he may prescribe, permit such converting bank to retain and carry at a value determined by the Comptroller such of the assets of such converting bank as do not conform to the legal requirements relative to assets acquired and held by national banking associations. The Comptroller of the Currency may not approve the conversion of a State bank or State savings association to a national banking association or Federal savings association during any period in which the State bank or State savings association is subject to a cease and desist order (or other formal enforcement order) issued by, or a memorandum of understanding entered into with, a State bank supervisor or the appropriate Federal banking agency with respect to a significant supervisory matter or a final enforcement action by a State Attorney General.

[12 USC 35. The first sentence was added by act of Aug. 23, 1935 (49 Stat. 711) and the second sentence was added by act of July 21, 2010 (124 Stat. 1612).]

Section 9. State Banks as Members

1. Applications for Membership by State Banks

2. 新銀行之設立、股數及權利與責任

前項改組不得違反州法律。於此，該公司章程及組織證明書，得由該銀行過半數之董事制定之；該證明書應載明持有51％股權之股東已授權董事制定該項證明書，及將該銀行改組為聯邦註冊銀行。前述過半數之董事於制定公司章程及組織證明書後，有權利製作完成改組為聯邦註冊銀行所必要之其他文件及執行應辦事項。該銀行之股數得維持與改組前之股數相同，其董事得繼續留任至依聯邦法律之規定另行選任或指派他人時止。當通貨監理局長核發予該銀行已依本法規定辦理之證明文件後，該銀行及其股東、幹部及受雇人員所享有之權力與特權，及其應負之責任、債務及應遵守之規則，均與自始即依聯邦準備法及聯邦註冊銀行法所成立之聯邦註冊銀行相同。

〔見美國法典第 12 編第 35 條。為原法案部分條文，並無修正。〕

3. 改組銀行所保留之資產、不許可改組

通貨監理局長得依其裁量及所定條件，許可改組銀行保留不符合聯邦註冊銀行取得及持有有關資產法規規定之資產，並依通貨監理局長所審定之價值入帳。州註冊銀行或存款機構於受州註冊銀行監理人或適當的聯邦銀行監理單位勒令(或其他正式強制命令)停業、與之簽署瞭解備忘錄，或州總檢察長終局執法等期間，通貨監理局長得不許可其改組為聯邦註冊銀行或存款機構。

〔見美國法典第 12 編第 35 條。1935 年 8 月 23 日立法（法律輯錄第 49 冊第 711 頁）增訂第一句。2010 年 1 月 21 日立法增訂第二句(法律輯錄第 124 冊第 1612 頁)。〕

第 9 條　州註冊銀行加入為會員銀行

1. 州註冊銀行申請成為會員銀行

Any bank incorporated by special law of any State, operating under the Code of Law for the District of Columbia, or organized under the general laws of any State or of the United States, including Morris Plan banks and other incorporated banking institutions engaged in similar business, desiring to become a member of the Federal Reserve System, may make application to the Board of Governors of the Federal Reserve System, under such rules and regulations as it may prescribe, for the right to subscribe to the stock of the Federal reserve bank organized within the district in which the applying bank is located. Such application shall be for the same amount of stock that the applying bank would be required to subscribe to as a national bank. For the purposes of membership of any such bank the terms "capital" and "capital stock" shall include the amount of outstanding capital notes and debentures legally issued by the applying bank and purchased by the Reconstruction Finance Corporation. The Board of Governors of the Federal Reserve System, subject to the provisions of this Act and to such conditions as it may prescribe pursuant thereto, may permit the applying bank to become a stockholder of such Federal reserve bank.

*[12 USC 321. As amended by act of June 21, 1917 (40 Stat. 232), which completely revised this section; and by acts of Feb. 25, 1927 (44 Stat. 1229); June 16, 1933 (48 Stat. 164); June 16, 1934 (48 Stat. 971); and Oct 13, 2006 (120 Stat. 2001). * For admission to membership of mutual savings banks, see paragraph 16.]*

2. Continued Membership in Federal Reserve System

Upon the conversion of a national bank into a State bank, or the merger or consolidation of a national bank with a State bank which is not a member of the Federal Reserve System, the resulting or continuing State bank may be admitted to membership in the Federal Reserve System by the Board of Governors of the Federal Reserve System in accordance with the provisions of this section, but, otherwise, the Federal Reserve bank stock owned by the national bank shall be canceled and paid for as provided in section 5 of this Act. Upon the merger or consolidation of a national bank with a State member bank under a State charter, the membership of the State bank in the Federal Reserve System shall continue.

[12 USC 321. As added by act of Aug. 17, 1950 (64 Stat. 458).]

依州特別法規定成立，並依哥倫比亞特區法營業之銀行，或依州或聯邦普通法成立之銀行，包括摩里斯計畫銀行及其他從事類似業務而成立之金融機構，如欲成為聯邦準備制度會員者，得依聯準會所定法規，向該聯準會申購其所在地區內之聯邦準備銀行股票。該申購數額應與申請銀行成為聯邦註冊銀行所應承購之股數相同。對該銀行為取得會員權而言，所謂「資本」應包括申請銀行合法發行而由「重整金融公司」（The Reconstruction Finance Corportion）購買之資本本票（Capital notes）及公司債之數額。聯準會得依本法之規定及當時所定之條件，許可申請銀行成為該聯邦準備銀行之股東。

〔見美國法典第 12 編第 321 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 232 頁），將本項完全修正；1927 年 2 月 15 日立法（法律輯錄第 44 冊第 1229 頁）、1933 年 6 月 16 日立法（法律輯錄第 48 冊第 164 頁）、1934 年 6 月 16 日立法（法律輯錄第 48 冊第 971 頁）及 2006 年 10 月 13 日立法（法律輯錄第 120 冊第 2001 頁）修正。有關相互儲蓄銀行加入成為會員之規定，參見第 16 項。〕

2. 聯邦準備制度會員權之存續

聯邦註冊銀行改組為州註冊銀行，或聯邦註冊銀行與非聯邦準備制度會員之州註冊銀行合併時，該改組完成或合併後之州註冊銀行，得由聯準會依本法規定核准成為聯邦準備制度之會員。但該聯邦註冊銀行持有之該聯邦準備銀行股票應予註銷，並依本法第 5 條規定退還股款。聯邦註冊銀行與州註冊銀行依州章程合併者，該州註冊銀行之聯邦準備制度會員權仍應存續。

〔見美國法典第 12 編第 321 條。1950 年 8 月 17 日立法（法律輯錄第 64 冊第 458 頁）增訂本項。〕

3. Branches of State Member Banks

Any such State bank which, at the date of the approval of this Act, has established and is operating a branch or branches in conformity with the State law, may retain and operate the same while remaining or upon becoming a stockholder of such Federal reserve bank; but no such State bank may retain or acquire stock in a Federal reserve bank except upon relinquishment of any branch or branches established after the date of the approval of this Act beyond the limits of the city, town, or village in which the parent bank is situated. Provided, however, That nothing herein contained shall prevent any State member bank from establishing and operating branches in the United States or any dependency or insular possession thereof or in any foreign country, on the same terms and conditions and subject to the same limitations and restrictions as are applicable to the establishment of branches by national banks except that the approval of the Board of Governors of the Federal Reserve System, instead of the Comptroller of the Currency, shall be obtained before any State member bank may hereafter establish any branch and before any State bank hereafter admitted to membership may retain any branch established after February 25, 1927, beyond the limits of the city, town, or village in which the parent bank is situated. The approval of the Board shall likewise be obtained before any State member bank may establish any new branch within the limits of any such city, town, or village.

[12 USC 321. As added by act of Feb. 25, 1927 (44 Stat. 1229); and amended by acts of June 16, 1933 (48 Stat. 164); Aug. 23, 1935 (49 Stat. 721); July 15, 1952 (66 Stat. 633); and Oct. 30, 2004 (118 Stat. 2232). The act referred to in this paragraph was approved Feb. 25, 1927. For provisions governing domestic branches of national banks, see section 5155, Revised Statutes; for provisions governing foreign branches, see section 25, this act.]

4. Financial Condition, Management, and Powers

In acting upon such applications the Board of Governors of the Federal Reserve System shall consider the financial condition of the applying bank, the general character of its management, and whether or not the corporate powers exercised are consistent with the purposes of this Act.

[12 USC 322. As added by act of June 21, 1917 (40 Stat. 233), which completely revised this section.]

5. Payment of Subscription

Whenever the Board of Governors of the Federal Reserve System shall permit the applying bank to become a stockholder in the Federal reserve bank of the district its stock subscription shall be payable on call of the Board of Governors of the Federal Reserve System, and stock issued to it shall be subject to the provisions of this Act.

3. 州註冊會員銀行之分行

州註冊銀行於本法生效日時，已依州法律之規定設立分行營業者，得於繼續或成為聯邦準備銀行股東時，保留及經營該分行；但州註冊銀行除自本法生效日後將該銀行總行所在地之市、鎮或鄉範圍外所設立之分行轉讓外，不得保留或取得聯邦準備銀行之股票。本項規定不應禁止州註冊會員銀行於聯邦、屬地、屬島或外國境內設立及經營分行，並與聯邦註冊銀行成立分行適用相同之條件及限制；惟州註冊會員銀行此後設立之分行，及獲准為會員之州註冊銀行於 1927 年 2 月 25 日後，在其總行所在地之市、鎮或鄉範圍以外所成立之分行得繼續維持前，應取得聯準會而非通貨監理局長之核准。州註冊會員銀行在該市、鎮、或鄉範圍內成立分行前，應先取得聯準會之核准（哥倫比亞特區除外）。

〔見美國法典第 12 編第 321 條。1927 年 2 月 25 日立法（法律輯錄第 44 冊第 1229 頁）增訂本項；1933 年 7 月 16 日立法（法律輯錄第 48 冊第 164 頁）、1935 年 8 月 23 日立法（法律輯錄第 49 冊第 721 頁）、1952 年 7 月 15 日立法（法律輯錄第 66 冊第 663 頁）及 2004 年 10 月 30 日立法（法律輯錄第 118 冊第 2232 頁）修正。本項所引述之立法係於 1927 年 2 月 25 日通過。有關聯邦註冊銀行在國內設立分行之規定，參閱「修正法律」第 5155 條；有關國外分行之規定，參閱本法第 25 條。〕

4. 財務狀況、管理及權力

聯準會處理州註冊銀行之申請時，應考慮申請銀行之財務狀況、管理之一般特性，及其所執行之法人權力是否符合本法之宗旨。

〔見美國法典第 12 編第 322 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 233 頁）修正全條，增訂本項。〕

5. 承購股票之付款

當聯準會核准申請銀行成為其區內聯邦準備銀行之股東時，其所承購股票之股款應依聯準會之通知繳納，並應依本法之規定發給股票。

[12 USC 323. As amended by act of June 21, 1917 (40 Stat. 233), which completely revised this section.]

6. Provision of Law to Be Complied with; Reports of Condition

All banks admitted to membership under authority of this section shall be required to comply with the reserve and capital requirements of this Act, to conform to those provisions of law imposed on national banks which prohibit such banks from lending on or purchasing their own stock and which relate to the withdrawal or impairment of their capital stock, and to conform to the provisions of sections 5199(b) and 5204 of the Revised Statutes with respect to the payment of dividends; except that any reference in any such provision to the Comptroller of the Currency shall be deemed for the purposes of this sentence to be a reference to the Board of Governors of the Federal Reserve System. Such banks and the officers, agents, and employees thereof shall also be subject to the provisions of and to the penalties prescribed by sections 334, 656, and 1005 of Title 18, United States Code, and shall be required to make reports of condition and of the payment of dividends to the Federal Reserve bank of which they become a member. Not less than three of such reports shall be made annually on call of the Federal Reserve bank on dates to be fixed by the Board of Governors of the Federal Reserve System. Any bank which (A) maintains procedures reasonably adapted to avoid any inadvertent error and, unintentionally and as a result of such an error, fails to make or publish any report required under this paragraph, within the period of time specified by the Board, or submits or publishes any false or misleading report or information, or (B) inadvertently transmits or publishes any report which is minimally late, shall be subject to a penalty of not more than $2,000 for each day during which such failure continues or such false or misleading information is not corrected. The bank shall have the burden of proving that an error was inadvertent and that a report was inadvertently transmitted or published late. Any bank which fails to make or publish such reports within the period of time specified by the Board, or submits or publishes any false or misleading report or information, in a manner not described in the 2nd preceding sentence shall be subject to a penalty of not more than $20,000 for each day during which such failure continues or such false or misleading information is not corrected. Notwithstanding the preceding sentence, if any bank knowingly or with reckless disregard for the accuracy of any information or report described in such sentence submits or publishes any false or misleading report or information, the Board may assess a penalty of not more than $1,000,000 or 1 percent of total assets of such bank, whichever is less, per day for each day during which such failure continues or such false or misleading information is

〔見美國法典第 12 編第 323 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 233 頁）修正全條，增訂本項。〕

6. 應遵守之法律規定、財務報告

依本條授權而獲准為會員之銀行，應遵守本法有關存款準備金及資本額之規定、有關禁止聯邦註冊銀行以其股票為擔保放款或購買其股票及撤回或減少其資本之法律規定，及「修正法律」第 5199 條第（B）項及第 5204 條有關分派股息之規定；但該規定中涉及通貨監理局長者，依本項之規範目的，應係指聯準會。該銀行及其幹部、代理人及受僱人均應遵守美國法典第 18 編第 334 條、第 656 條、第 1005 條及其罰則等規定，並應將其財務報表及股息支付表向其為會員之聯邦準備銀行報告之。該等報告應每年至少三次依聯準會所定日期，由聯邦準備銀行通知提出之。銀行如有下列情事者，於其過失行為持續中，或其錯誤或令人誤解之資料未予更正之期間內，每日處 2000 美元以下罰鍰：（A）為避免過失性錯誤而採取適當作業程序時，仍因過失而產生未於前述聯準會所定期間內提出或發布本款所要求之報表，或提供或發布錯誤或令人誤解之報表或資料者；（B）因過失傳送或發布致報表輕微延遲者。該銀行應負責證明錯誤係因過失所致，及報表係因疏忽而逾期傳送或發布。銀行如未於前述聯準會所定期間內提出或發布本款所定之報表，或以前述第二句所指以外方式傳送或發布錯誤或令人誤解之報表或資料者，於該報表逾期未提出，或該錯誤或令人誤解之資料未更正之期間內，每日應處 2 萬美元以下罰鍰。此外，銀行如故意或過失怠忽本項所述資料或報表之正確性，而傳送或發布錯誤或令人誤解之報表或資料者，於該錯誤或令人誤解之報表或資料未更正期間內，前述聯準會得於不超過 1 百萬美元或該銀行資產總額 1%之數額中較低者為上限，裁處其罰鍰。依前述四句所裁處之罰鍰，應由前述聯準會依聯邦存款保險

not corrected. Any penalty imposed under any of the 4 preceding sentences shall be assessed and collected by the Board in the manner provided in subparagraphs (E), (F), (G), and (I) of section 8(i)(2) of the Federal Deposit Insurance Act (for penalties imposed under such section) and any such assessment (including the determination of the amount of the penalty) shall be subject to the provisions of such section. Any bank against which any penalty is assessed under this subsection shall be afforded an agency hearing if such bank submits a request for such hearing within 20 days after the issuance of the notice of assessment. Section 8(h) of the Federal Deposit Insurance Act shall apply to any proceeding under this paragraph. Such reports of condition shall be in such form and shall contain such information as the Board of Governors of the Federal Reserve System may require and shall be published.

[12 USC 324. As amended by act of June 21, 1917 (40 Stat. 233), which completely revised this section; and by acts of Aug. 23, 1935 (49 Stat. 713); Sept. 3, 1954 (68 Stat. 1236); Sept. 8, 1959 (73 Stat. 466); Aug. 9, 1989 (103 Stat. 480); and Sept. 23, 1994 (108 Stat. 2218). For provisions covering loans on or purchase of their own stock by national banks, see section 5201, Revised Statutes (12 USC 83); for provisions covering withdrawal of capital or payment of unearned dividends by national banks, see sections 5204 and 5199, Revised Statutes (12 USC 56 and 60); for provisions relating to impairment of capital of national banks, see section 5205, Revised Statutes (12 USC 55) and section 345 of Banking Act of 1935 (12 USC 51b-1).]

7. Examinations

As a condition of membership such banks shall likewise be subject to examinations made by direction of the Board of Governors of the Federal Reserve System or of the Federal reserve bank by examiners selected or approved by the Board of Governors of the Federal Reserve System.

[12 USC 325. As added by act of June 21, 1917 (40 Stat. 233), which completely revised this section.]

8. Acceptance of State Examinations; Expenses; Reports of Examinations

Whenever the directors of the Federal reserve bank shall approve the examinations made by the State authorities, such examinations and the reports thereof may be accepted in lieu of examinations made by examiners selected or approved by the Board of Governors of the Federal Reserve System: Provided, however, That when it deems it necessary the board may order special examinations by examiners of its own selection and shall in all cases approve the form of the report. The expenses of all examinations, other than those made by State authorities, may, in the discretion of the Board of

法第8條第（i）項第⑵款（E）、（F）、（G）及（I）（依該條文所定罰鍰）所定之方式裁定及收取之；該裁定（包括罰鍰數額之決定）應符合該條之規定。依本項規定被裁定罰鍰之銀行，自裁定通知發出後 20 日內，如申請舉行聽證會者，主管機關即應舉行。聯邦存款保險法第 8 條第（h）項之規定，應適用於本項所規定之程序。該等財務報表應包括前述聯準會所要求之資料，並應由提出報告之銀行依前述聯準會規定之方式發布之。

〔見美國法典第 12 編第 324 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 233 頁）修正全條、1933 年 8 月 23 日立法（法律輯錄第 49 冊第 713 頁）、1954 年 9 月 3 日立法（法律輯錄第 68 冊第 1236 頁）、1959 年 9 月 8 日（法律輯錄第 73 冊第 466 頁）、1989 年 8 月 9 日立法（法律輯錄第 103 冊第 480 頁）及 1994 年 9 月 23 日立法（法律輯錄第 108 冊第 2218 頁）修正。關於聯邦註冊銀行以其股票為放款擔保及收購其股票之規定，參閱「修正法律」第 5201 條（美國法典第 12 編第 83 條）；關於聯邦註冊銀行股本撤回或應付股息之規定，參閱「修正法律」第 5202 條及第 5199 條（美國法典第 12 編第 56 條及第 60 條）；關於聯邦註冊銀行減少股本之規定，參閱「修正法律」第 5205 條（美國法典第 12 編第 55 條）及 1935 年銀行法第 345 條（美國法典第 12 編第 55b-1 條）。〕

7. 金融檢查

銀行成為會員銀行之條件之一即係應接受聯準會所遴選或核准之檢查人員依聯準會或聯邦準備銀行指示進行檢查。

〔見美國法典第 12 編第 325 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 233 頁）修正全條，增列本項。〕

8. 接受州當局之檢查、檢查費用及檢查報告

聯邦準備銀行董事同意州當局進行檢查時，該檢查及報告得代替聯準會選派或核准之檢查員所進行之檢查；但聯準會認為必要時，仍得命令其選派之檢查員進行特別檢查，並應核准任何形式之報告。除州當局之檢查外，檢查所需費用，得

Governors of the Federal Reserve System, be assessed against the banks examined and, when so assessed, shall be paid by the banks examined. The Board of Governors of the Federal Reserve System, at its discretion, may furnish any report of examination or other confidential supervisory information concerning any State member bank or other entity examined under any other authority of the Board, to any Federal or State agency or authority with supervisory or regulatory authority over the examined entity, to any officer, director, or receiver of the examined entity, and to any other person that the Board determines to be proper.

[12 USC 326. As added by act of June 21, 1917 (40 Stat. 233), which completely revised this section; and amended by acts of June 26, 1930 (46 Stat. 814) and Nov. 12, 1999 (113 Stat. 1475).]

9. Forfeiture of Membership

If at any time it shall appear to the Board of Governors of the Federal Reserve System that a member bank has failed to comply with the provisions of this section or the regulations of the Board of Governors of the Federal Reserve System made pursuant thereto, or has ceased to exercise banking functions without a receiver or liquidating agent having been appointed therefor, it shall be within the power of the board after hearing to require such bank to surrender its stock in the Federal reserve bank and to forfeit all rights and privileges of membership. The Board of Governors of the Federal Reserve System may restore membership upon due proof of compliance with the conditions imposed by this section.

[12 USC 327. As amended by act of June 21, 1917 (40 Stat. 233), which completely revised this section; and further amended by act of April 23, 1930 (46 Stat. 251).]

10. Voluntary Withdrawal from Membership

Any State bank or trust company desiring to withdraw from membership in a Federal reserve bank may do so, after six months' written notice shall have been filed with the Board of Governors of the Federal Reserve System, upon the surrender and cancellation of all of its holdings of capital stock in the Federal reserve bank: Provided, That the Board of Governors of the Federal Reserve System, in its discretion and subject to such conditions as it may prescribe, may waive such six months' notice in individual cases and may permit any such State bank or trust company to withdraw from membership in a Federal reserve bank prior to the expiration of six months from the date of the written notice of its intention to withdraw: Provided, however, That no Federal reserve bank shall, except under express authority of the Board of Governors of the Federal Reserve System, cancel within the same calendar year more than twenty-five per centum of its capital stock for the purpose of effecting

由聯準會依其裁示向受檢銀行徵收，受檢銀行應支付之。該檢查報告及涉及任何州銀行或其他受檢單位而應予保密之監理資訊，得依聯準會之裁示，分送監管該銀行之州當局、該銀行之幹部、董事或清算人，及其他經聯準會認為適當之人士。

〔見美國法典第 12 編第 326 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 233 頁）增列本項，修正全條。1930 年 6 月 26 日立法（法律輯錄第 46 冊第 814 頁）及 1999 年 11 月 12 日立法（法律輯錄第 113 冊第 1475 頁）修正。〕

9. 會員資格之喪失

聯準會如發現會員銀行未遵守本條規定、聯準會依本條所定之規則，或已停止營業而未選派清算人或清算代理人者，得於舉行聽證會後，要求該會員銀行繳還其持有之聯邦準備銀行股票，並取消其會員資格所享有之權利與特權。聯準會得於該銀行證明其已符合本條所定條件後，恢復其會員資格。

〔見美國法典第 12 編第 327 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 233 頁）修正全條；1930 年 4 月 23 日立法（法律輯錄第 46 冊第 251 頁）修正。〕

10. 自願撤銷會員權

州註冊銀行或信託公司自願撤銷其於聯邦準備銀行之會員權者，經向聯準會遞送書面通知滿 6 個月，且繳還及註銷其在聯邦準備銀行所有股票後，得撤銷之；但聯準會得依其裁示及所定條件，個案免除上述通知應滿 6 個月之規定，並得許可州註冊銀行或信託公司自提出撤銷會員權利意願之書面通知日起未滿 6 個月前，撤銷其在聯邦準備銀行之會員權；但聯邦準備銀行除獲聯準會之明示授權外，不得因該年內自願撤銷會員權而在同一曆年內，撤銷其 25 %以上之資本。該項申請，應按送達聯準會之時間順序處理之。當會員銀行繳還其所持有之聯邦準備銀行股票，或聯準會依法命令其繳還

voluntary withdrawals during that year. All such applications shall be dealt with in the order in which they are filed with the board. Whenever a member bank shall surrender its stock holdings in a Federal reserve bank, or shall be ordered to do so by the Board of Governors of the Federal Reserve System, under authority of law, all of its rights and privileges as a member bank shall thereupon cease and determine, and after due provision has been made for any indebtedness due or to become due to the Federal reserve bank it shall be entitled to a refund of its cash paid subscription with interest at the rate of one-half of one per centum per month from the date of last dividend, if earned, the amount refunded in no event to exceed the book value of the stock at that time, and shall likewise be entitled to repayment of deposits and of any other balance due from the Federal reserve bank.

[12 USC 328. As added by act of June 21, 1917 (40 Stat. 233), which completely revised this section; and amended by act of April 17, 1930 (46 Stat. 170).]

11. Capital Required for Membership

No applying bank shall be admitted to membership unless it possesses capital stock and surplus which, in the judgment of the Board of Governors of the Federal Reserve System, are adequate in relation to the character and condition of its assets and to its existing and prospective deposit liabilities and other corporate responsibilities: Provided, That no bank engaged in the business of receiving deposits other than trust funds, which does not possess capital stock and surplus in an amount equal to that which would be required for the establishment of a national banking association in the place in which it is located, shall be admitted to membership unless it is, or has been, approved for deposit insurance under the Federal Deposit Insurance Act. The capital stock of a State member bank shall not be reduced except with the prior consent of the Board.

[12 USC 329. As amended by acts of June 21, 1917 (40 Stat. 234), which completely revised this section; March 4, 1923 (42 Stat. 1478); June 16, 1933 (48 Stat. 185); and July 15, 1952 (66 Stat. 633). For provisions relating to minimum capital and surplus of national banks, see section 5138, Revised Statutes.]

12. Waiver of Membership Requirements as to Insured Banks

In order to facilitate the admission to membership in the Federal Reserve System of any State bank which is required under subsection (y) of section 12B of this Act to become a member of the Federal Reserve System in order to be an insured bank or continue to have any part of its deposits insured under such section 12B, the Board of Governors of the Federal Reserve System may waive in whole or in part the requirements of this section relating to the admission of such bank to membership: Provided, That, if such bank is admitted with a capital less than that required for the organization of a national bank in the same place and its capital and surplus are not, in the judgment of the Board of

所持有之聯邦準備銀行股票時，其為會員銀行之權利與特權當然停止，並於其對聯邦準備銀行已到期或將到期之債務已提適當準備後，會員銀行有權領回其以現金支付之認股款及最近發放股息日起每月千分之五計算之利息，如有盈餘，該領回數額不得超過當時股票之帳面價值，並有權收回其在聯邦準備銀行之存款或其他餘額。

〔見美國法典第 12 編第 328 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 233 頁）增列本項，修正全條。1930 年 4 月 17 日立法（法律輯錄第 46 冊第 170 頁）修正。〕

11.會員資格所需之資本額

申請銀行所有之資本及盈餘，除經聯準會裁示，認其資產性質及狀況、其現有暨將來存款負債及其他法人責任均為適當者外，不得許可其成為會員銀行；從事收受信託基金以外存款業務之銀行，如未擁有等同於在其所在地成立之聯邦註冊銀行應有之資本及盈餘者，除依聯邦存款保險法之規定已核准加入存款保險者外，不得許可其成為會員銀行。州註冊銀行之資本非經聯準會之事先核准，不得減資。

〔見美國法典第 12 編第 329 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 234 頁）修正全條；1923 年 3 月 4 日立法（法律輯錄第 42 冊第 1478 頁）、1933 年 6 月 16 日立法（法律輯錄第 48 冊第 185 頁）、1952 年 7 月 15 日立法（法律輯錄第 66 冊第 633 頁）修正；有關聯邦註冊銀行最低資本及盈餘之規定，參閱「修正法律」第 5138 條。〕

12.有關要保銀行豁免為會員銀行之規定

為便利州註冊銀行依本法第 12B 條第（y）項有關為成為要保銀行或第 12B 條有關為使其部分存款續保，應成為聯邦準備銀行會員之規定，而申請成為聯邦準備制度會員，聯準會得豁免本條有關成為會員資格規定之全部或一部。但如該銀行獲准時之資本低於同地區成立聯邦註冊銀行應有之資本，及其資本與盈餘依聯準會之裁示，認其對存款人及其他債權

Governors of the Federal Reserve System, adequate in relation to its liabilities to depositors and other creditors, the said Board may, in its discretion, require such bank to increase its capital and surplus to such amount as the Board may deem necessary within such period prescribed by the Board as in its judgment shall be reasonable in view of all the circumstances: Provided, however, That no such bank shall be required to increase its capital to an amount in excess of that required for the organization of a national bank in the same place.

[Formerly 12 USC 329a, as added by act of Aug. 23, 1935 (49 Stat. 704). Omitted from the U.S. Code. The provision of section 12B(y) requiring membership in Federal Reserve System was repealed by act of June 20, 1939 (53 Stat. 842); and all of section 12B was withdrawn and enacted as a separate Federal Deposit Insurance Act by act of Sept. 21, 1950 (64 Stat. 873).]

13. Laws to Which Subject

Banks becoming members of the Federal Reserve System under authority of this section shall be subject to the provisions of this section and to those of this Act which relate specifically to member banks, but shall not be subject to examination under the provisions of the first two paragraphs of section fifty-two hundred and forty of the Revised Statutes as amended by section twenty-one of this Act. Subject to the provisions of this Act and to the regulations of the board made pursuant thereto, any bank becoming a member of the Federal Reserve System shall retain its full charter and statutory rights as a State bank or trust company, and may continue to exercise all corporate powers granted it by the State in which it was created, and shall be entitled to all privileges of member banks, except that the Board of Governors of the Federal Reserve System may limit the activities of State member banks and subsidiaries of State member banks in a manner consistent with section 24 of the Federal Deposit Insurance Act. No Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than that which could be borrowed lawfully from such State bank or trust company were it a national banking association. The Federal reserve bank, as a condition of the discount of notes, drafts, and bills of exchange for such State bank or trust company, shall require a certificate or guaranty to the effect that the borrower is not liable to such bank in excess of the amount provided by this section, and will not be permitted to become liable in excess of this amount while such notes, drafts, or bills of exchange are under discount with the Federal reserve bank.

[12 USC 330. As added by act of June 21, 1917 (40 Stat. 234), which completely revised this section; and amended by acts of July 1, 1922 (42 Stat. 821) and Dec. 19, 1991 (105 Stat. 2353). As to limitations on loans by national banks to one person, see section 5200, Revised Statutes.]

人負債不相當者，聯準會得依其裁示，要求該銀行依聯準會認為必要之數量及於各種情況所制定之合理期間內，增加其資本及盈餘，但不得要求該銀行增加其資本額超過同地區成立聯邦註冊銀行所需之資本額。

〔見美國法典第 12 編第 329a 條。1935 年 8 月 23 日立法（法律輯錄第 49 冊第 704 頁）增列本項；關於第 12B 條及第(y)項要求成為聯邦準備制度會員之規定，1939 年 6 月 20 日立法（法律輯錄第 53 冊第 842 頁）廢止；第 12B 條全文經 1950 年 9 月 21 日立法（法律輯錄第 64 冊第 873 頁）撤銷而獨立成為聯邦存款保險法。〕

13.應遵守之法律

依本條授權成為聯邦準備制度會員之銀行，應遵守本條及本法有關會員銀行之規定，但不適用經本法第 21 條增修之「修正法律」第 5240 條前二款檢查之規定。依本法及聯準會依本法所定規則，成為聯邦準備制度會員之銀行，應保留其作為州註冊銀行或信託公司之章程及法定權利，並得繼續實行其成立之州所授與之公司法人權力，並得享有會員銀行之特權，但聯準會得以聯邦存款保險法第 24 條所定之方式，限制會員銀行及其子公司之活動。聯邦準備銀行對州註冊銀行或信託公司因單一借款人向其借款而持有支票或匯票貼現金額，不得超過如該州註冊銀行或信託公司所應依法核貸予聯邦註冊銀行之金額。聯邦準備銀行應要求州註冊銀行或信託公司出具證明書或保證書，敘明借款人對超過本條所定金額之債務不對該銀行負責，及在該本票或匯票在聯邦準備銀行貼現額度內，不許借款人就超過本條所定金額之債務負責等內容，作為對其本票匯票貼現之條件。

〔見美國法典第 12 編第 330 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 234 頁）增列本項，修正全條。1922 年 7 月 1 日立法（法律輯錄第 42 冊第 821 頁）及 1991 年 12 月 19 日（法律輯錄第 105 冊第 2353 頁）修正；有關聯邦註冊銀行對單一個人之授信額度，參閱「修正法律」第 5200 條。〕

14. False Certification of Checks

It shall be unlawful for any officer, clerk, or agent of any bank admitted to membership under authority of this section to certify any check drawn upon such bank unless the person or company drawing the check has on deposit therewith at the time such check is certified an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against such bank, but the act of any such officer, clerk, or agent in violation of this section may subject such bank to a forfeiture of its membership in the Federal Reserve System upon hearing by the Board of Governors of the Federal Reserve System.

[12 USC 331. As added by act of June 21, 1917 (40 Stat. 234), which completely revised this section. For additional provisions covering false certification of checks by officers of Federal Reserve Banks and member banks, see also section 5208, Revised Statutes and 18 USC 1004.]

15. Government Depositaries and Financial Agents

All banks or trust companies incorporated by special law or organized under the general laws of any State, which are members of the Federal Reserve System, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require of the banks and trust companies thus designated satisfactory security, by the deposit of United States bonds or otherwise, for the safe keeping and prompt payment of the public money deposited with them and for the faithful performance of their duties as financial agents of the Government.

[12 USC 332. As added by act of May 7, 1928 (45 Stat. 492).]

16. Admission to Membership of Mutual Savings Banks

Any mutual savings bank having no capital stock (including any other banking institution the capital of which consists of weekly or other time deposits which are segregated from all other deposits and are regarded as capital stock for the purposes of taxation and the declaration of dividends), but having surplus and undivided profits not less than the amount of capital required for the organization of a national bank in the same place, may apply for and be admitted to membership in the Federal Reserve System in the same manner and subject to the same provisions of law as State banks and trust companies, except that any such savings banks shall subscribe for capital stock of the Federal reserve bank in an amount equal to six-tenths of 1 per centum of its total deposit liabilities as shown by the most recent report of examination of

14.非法之支票保付

會員銀行不得對以依本條規定而成為會員銀行之幹部、櫃員或代理人為付款人之支票保付，但簽發支票之個人或公司，於簽發支票時，已存入與保付支票相同數額之金錢者，不在此限。支票經合法授權之人保付者，該銀行應負付款責任，但幹部、櫃員或代理人員之行為違反本條規定者，經聯準會舉行聽證後，得撤銷該行之會員資格。

〔見美國法典第 12 編第 331 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 234 頁）增列本項，修正全條。有關聯邦準備銀行及會員銀行職員非法支票保付之附加規定，參閱「修正法律」第 5208 條及美國法典第 1004 條。〕

15.公款保管人及財務代理人

依特別法登記為公司法人或依州普通法成立之聯邦準備制度會員之銀行或信託公司，經財政部長指定，應依財政部長所定之規則，成為公款保管人，並得充當政府之財務代理人，亦應履行擔任公款保管人及財務代理人所應負擔之責任。財政部長應要求其指定之銀行及信託公司提存聯邦公債或其他適當擔保品，以確保存在其帳戶之政府存款得受安全保管及迅速付款，並忠實履行其政府財務代理人之職責。

〔見美國法典第 12 編第 332 條。1928 年 5 月 7 日立法（法律輯錄第 45 冊第 492 頁）增列本項。〕

16.相互儲蓄銀行之會員資格

無資本額之相互儲蓄銀行（包括其資本係由與全體存款分別計算之以週計期或其他定期存款所組成，及為納稅與發放股息等目的而被視為資本股票之金融機構），其累積盈餘及未分配盈餘不低於同一地區聯邦註冊銀行法定資本額者，得依與州註冊銀行及信託公司等之相同方式及適用相同法律，申請許可成為聯邦準備銀行之會員銀行；但該儲蓄銀行應以其成為會員前，最近一次檢查報告所載之存款總額千分之六之

such savings bank preceding its admission to membership. Thereafter such subscription shall be adjusted semiannually on the same percentage basis in accordance with rules and regulations prescribed by the Board of Governors of the Federal Reserve System. If any such mutual savings bank applying for membership is not permitted by the laws under which it was organized to purchase stock in a Federal reserve bank, it shall, upon admission to the system, deposit with the Federal reserve bank an amount equal to the amount which it would have been required to pay in on account of a subscription to capital stock. Thereafter such deposit shall be adjusted semiannually in the same manner as subscriptions for stock. Such deposits shall be subject to the same conditions with respect to repayment as amounts paid upon subscriptions to capital stock by other member banks and the Federal reserve bank shall pay interest thereon at the same rate as dividends are actually paid on outstanding shares of stock of such Federal reserve bank. If the laws under which any such savings bank was organized be amended so as to authorize mutual savings banks to subscribe for Federal reserve bank stock, such savings bank shall thereupon subscribe for the appropriate amount of stock in the Federal reserve bank, and the deposit hereinbefore provided for in lieu of payment upon capital stock shall be applied upon such subscription. If the laws under which any such savings bank was organized be not amended at the next session of the legislature following the admission of such savings bank to membership so as to authorize mutual savings banks to purchase Federal reserve bank stock, or if such laws be so amended and such bank fail within six months thereafter to purchase such stock, all of its rights and privileges as a member bank shall be forfeited and its membership in the Federal Reserve System shall be terminated in the manner prescribed elsewhere in this section with respect to State member banks and trust companies. Each such mutual savings bank shall comply with all the provisions of law applicable to State member banks and trust companies, with the regulations of the Board of Governors of the Federal Reserve System and with the conditions of membership prescribed for such savings bank at the time of admission to membership, except as otherwise hereinbefore provided with respect to capital stock.

[12 USC 333. As added by act of June 16, 1933 (48 Stat. 164). As to the amount of capital required for the organization of a national bank, see section 5138, Revised Statutes.]

17. Reports of Affiliates

Each bank admitted to membership under this section shall obtain from each of its affiliates other than member banks and furnish to the Federal reserve bank of its district and to the Board of Governors of the Federal Reserve System not less than three reports during each year. Such reports shall be in such form as the Board of Governors of the Federal Reserve System may prescribe, shall be verified by the oath or affirmation of the president or such other officer as may be designated by the board of directors of such affiliate to

金額承購聯邦準備銀行之股票。該承購金額應依聯準會所定法規，按相同比率基礎每半年調整一次。依其設立之相關法律規定申請成為會員銀行之儲蓄銀行，如未獲准成為會員銀行，而不得購買聯邦準備銀行之股票者，應於獲准成為會員銀行後，存入聯邦準備銀行相當所需承購股票金額之存款。該項存款應與承購股票相同，每半年調整一次；該存款應按與其他會員銀行所附認購股款之相同條件償還之，聯邦準備銀行應支付與發行在外股票股息相等金額之存款利息。如有關儲蓄銀行設立之法律，修正為許可相互儲蓄銀行承購聯邦準備銀行之股票時，該儲蓄銀行應即承購相當數額之聯邦準備銀行股票；至用以代替承購股票之存款，應移作承購股票之用；如有關儲蓄銀行設立之法律在其成為會員後之次期州議會中，未能修正許可相互儲蓄銀行承購聯邦準備銀行股票，或該法律業經修正而該銀行未能於嗣後 6 個月內購買該股票者，則其作為會員銀行之權利與特權應全數撤銷；其在聯邦準備制度之會員資格，應依本條其他有關之註冊銀行及信託公司之規定終止之。各相互儲蓄銀行，除有關其資本額另有規定外，應遵守適用於州註冊會員銀行及信託公司之法律規定、聯準會所定規則，及許可該儲蓄銀行成為會員銀行所定條件。

〔見美國法典第 12 編第 333 條。1933 年 6 月 16 日立法（法律輯錄第 48 冊第 164 頁）增列本項。有關設立註冊銀行之法定資本額，參閱「修正法律」第 5138 條。〕

17.關係企業之報告

依本條規定取得會員資格之銀行，每年至少三次應自會員銀行以外之各關係企業取得報告，並將該報告提供予該區聯邦準備銀行及聯準會。該報告應依聯準會所定格式製作，並應由該關係企業之總經理或董事會指定之其他職員具結之；並應揭露與聯準會為其關係會員銀行之財務報表所定相同日期

verify such reports, and shall disclose the information hereinafter provided for as of dates identical with those fixed by the Board of Governors of the Federal Reserve System for reports of the condition of the affiliated member bank. Each such report of an affiliate shall be transmitted as herein provided at the same time as the corresponding report of the affiliated member bank, except that the Board of Governors of the Federal Reserve System may, in its discretion, extend such time for good cause shown. Each such report shall contain such information as in the judgment of the Board of Governors of the Federal Reserve System shall be necessary to disclose fully the relations between such affiliate and such bank and to enable the Board to inform itself as to the effect of such relations upon the affairs of such bank. The reports of such affiliates shall be published by the bank under the same conditions as govern its own condition reports.

[12 USC 334. As added by act of June 16, 1933 (48 Stat. 165). As to reports of affiliates of national banks, see section 5211, Revised Statutes (12 USC 161).]

18. Additional Reports of Affiliates

Any such affiliated member bank may be required to obtain from any such affiliate such additional reports as in the opinion of its Federal reserve bank or the Board of Governors of the Federal Reserve System may be necessary in order to obtain a full and complete knowledge of the condition of the affiliated member bank. Such additional reports shall be transmitted to the Federal reserve bank and the Board of Governors of the Federal Reserve System and shall be in such form as the Board of Governors of the Federal Reserve System may prescribe.

[12 USC 334. As added by act of June 16, 1933 (48 Stat. 165).]

19. Failure to Obtain Reports of Affiliates

Any such affiliated member bank which fails to obtain from any of its affiliates and furnish any report provided for by the two preceding paragraphs of this section shall be subject to a penalty of $100 for each day during which such failure continues, which, by direction of the Board of Governors of the Federal Reserve System, may be collected, by suit or otherwise, by the Federal reserve bank of the district in which such member bank is located.

[12 USC 334. As added by act of June 16, 1933 (48 Stat. 165) and amended by act of July 1, 1966 (80 Stat. 243). For definition of "affiliate" see section 2 of the Banking Act of 1933, approved June 16, 1933.]

（詳下文）之資料。關係企業之各項報告應與企業關係之會員銀行送達報告之日期相同，但聯準會依其提出理由延期者，各該報告應包括聯準會所認為揭露該關係企業與該銀行關係，及使聯準會明瞭該關係對該行業務影響所必要之資料。各關係企業之報告應由各銀行依與其本身財務報表之相同條件公布之。

〔見美國法典第 12 編第 334 條。1933 年 6 月 16 日立法（法律輯錄第 48 冊第 165 頁）增列本項。有關聯邦註冊銀行關係企業之報告，參閱「修正法律」第 5211 條（美國法典第 12 編第 161 條）。〕

18.關係企業之其他報告

聯邦準備銀行或聯準會為充分明瞭關係會員銀行之狀況，於認為必要時，得責成與企業有關係之會員銀行取得其關係企業之其他報告。該項報告應送達聯邦準備銀行及聯準會，並應依聯準會所定格式製作之。

〔見美國法典第 12 編第 334 條。1933 年 6 月 16 日立法（法律輯錄第 48 冊第 165 頁）增列本項。〕

19.違反取得關係企業報告之規定

與企業有關係之會員銀行，違反本條前兩款規定未能取得及提供其關係企業之報告者，在未送達期間按日處 100 美元之罰鍰，並得經聯準會之決定，由該銀行所在區聯邦準備銀行，依訴訟或其他程序，向其徵繳之。

〔見美國法典第 12 編第 334 條。1933 年 6 月 16 日立法（法律輯錄第 48 冊第 165 頁）增列本項；1966 年 7 月 1 日立法（法律輯錄第 80 冊第 243 頁）修正。有關「關係企業」之定義，參閱 1933 年 6 月 16 日通過之 1933 年銀行法第 2 條之規定。〕

20. Dealings in Investment Securities and Stock

State member banks shall be subject to the same limitations and conditions with respect to the purchasing, selling, underwriting, and holding of investment securities and stock as are applicable in the case of national banks under paragraph "Seventh" of section 5136 of the Revised Statutes, as amended. This paragraph shall not apply to any interest held by a State member bank in accordance with section 5136A of the Revised Statutes of the United States and subject to the same conditions and limitations provided in such section.

[12 USC 335. As added by act of June 16, 1933 (48 Stat. 165) and amended by act of Nov. 12, 1999 (113 Stat. 1381).]

21. Stock Representing Stock of Other Corporations

After the date of the enactment of the Banking Act of 1935, no certificate evidencing the stock of any State member bank shall bear any statement purporting to represent the stock of any other corporation, except a member bank or a corporation engaged on June 16, 1934 in holding the bank premises of such member bank, nor shall the ownership, sale, or transfer of any certificate representing the stock of any State member bank be conditioned in any manner whatsoever upon the ownership, sale, or transfer of a certificate representing the stock of any other corporation, except a member bank or a corporation engaged on June 16, 1934 in holding the bank premises of such member bank: Provided, That this section shall not operate to prevent the ownership, sale, or transfer of stock of any other corporation being conditioned upon the ownership, sale, or transfer of a certificate representing stock of a State member bank.

[12 USC 336. As added by act of June 16, 1933 (48 Stat. 165); and amended by act of Aug. 23, 1935 (49 Stat. 710). The Banking Act of 1935, referred to in this paragraph, was approved Aug. 23, 1935. For similar provision applicable to stock of national banks, see section 5139, Revised Statutes (12 USC 52).]

22. Examinations of Affiliates

In connection with examinations of State member banks, examiners selected or approved by the Board of Governors of the Federal Reserve System shall make such examinations of the affairs of all affiliates of such banks as shall be necessary to disclose fully the relations between such banks and their affiliates and the effect of such relations upon the affairs of such banks. The expense of examination of affiliates of any State member bank may, in the discretion of the

20.投資證券及股票之業務

州註冊會員銀行與聯邦註冊銀行應適用相同之「修正法律」第 5136 條第 7 款所定有關購買、出售、承銷及持有投資證券與股票之限制規定。本項規定不適用於州會員銀行依「修正法律」第 5136A 條所持有之利息及該條所定之相同條件與限制。

〔見美國法典第 12 編第 335 條。1933 年 6 月 16 日立法（法律輯錄第 48 冊第 165 頁）增列本項；1999 年 11 月 12 日立法（法律輯錄第 113 冊第 1381 頁）修正。〕

21.含有代表其他公司股票意義之股票

1935 年銀行法公布日後，證明州註冊會員銀行股票之憑證不得含有任何指稱其代表其他公司股票之陳述，但該會員銀行或公司於 1934 年 6 月 16 日價購該會員銀行之不動產者，不在此限；代表州註冊會員銀行股票憑證之所有、出售或轉讓，亦不得以代表其他公司股票憑證之所有、出售或轉讓為條件，但該會員銀行或公司於 1934 年 6 月 16 日價購該會員銀行之不動產者，不在此限。本條規定不得用以禁止其他公司股票之所有、出售或轉讓，係以代表州註冊會員銀行股票憑證之所有、出售或轉讓為條件。

〔見美國法典第 12 編第 336 條。1933 年 6 月 16 日立法（法律輯錄第 48 冊第 165 頁）增列本項；1935 年 8 月 23 日立法（法律輯錄第 49 冊第 710 頁）修正。本款所指之 1935 年銀行法係於 1935 年 8 月 23 日通過。有關適用聯邦註冊銀行之類似條文，參閱「修正法律」第 5139 條（美國法典第 12 編第 52 條）。〕

22.對關係企業之檢查

關於州註冊會員銀行之檢查，聯準會所遴選或核准之查帳員應檢查該等銀行關係企業之業務，俾充分揭露該等銀行與其關係企業之關係，及該關係對該等銀行業務之影響。聯準會得核定由州註冊會員銀行支付有關查帳員對其關係企業之檢

Board of Governors of the Federal Reserve System, be assessed against such bank and, when so assessed, shall be paid by such bank. In the event of the refusal to give any information requested in the course of the examination of any such affiliate, or in the event of the refusal to permit such examination, or in the event of the refusal to pay any expense so assessed, the Board of Governors of the Federal Reserve System may, in its discretion, require any or all State member banks affiliated with such affiliate to surrender their stock in the Federal reserve bank and to forfeit all rights and privileges of membership in the Federal Reserve System, as provided in this section.

[12 USC 338. As added by act of June 16, 1933 (48 Stat. 166). As to examinations of affiliates of national banks, see this act, section 21.]

23. Investments to Promote the Public Welfare

A State member bank may make investments directly or indirectly, each of which is designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families (such as by providing housing, services, or jobs), to the extent permissible under State law. A State member bank shall not make any such investment if the investment would expose the State member bank to unlimited liability. The Board shall limit a State member bank's investment in any 1 project and a State member bank's aggregate investments under this paragraph. The aggregate amount of investments of any State member bank under this paragraph may not exceed an amount equal to the sum of 5 percent of the State member bank's capital stock actually paid in and unimpaired and 5 percent of the State member bank's unimpaired surplus, unless the Board determines, by order, that a higher amount will pose no significant risk to the affected deposit insurance fund; and the State member bank is adequately capitalized. In no case shall the aggregate amount of investments of any State member bank under this paragraph exceed an amount equal to the sum of 15 percent of the State member bank's capital stock actually paid in and unimpaired and 15 percent of the State member bank's unimpaired surplus. The foregoing standards and limitations apply to investments under this paragraph made by a State member bank directly and by its subsidiaries.

[12 USC 338a. As added by act of Oct. 23, 1992 (106 Stat. 2774) and amended by acts of Feb. 15, 2006 (119 Stat. 3616); Oct. 13, 2006 (120 Stat. 1971); and July 30, 2008 (122 Stat. 2857).]

**An identical amendment was made by act of Oct. 16, 2006 (120 Stat. 2028)*

查費用。該關係企業於受檢時，如有拒絕提供資料、拒絕接受該項檢查或拒付檢查費用之情事者，聯準會得要求與該關係企業有關之任一或所有州註冊會員銀行，繳回其所持有之聯邦準備銀行股票，及撤銷其依本條規定所享有聯邦準備制度之權利與特權。

〔見美國法典第 12 編第 338 條。1933 年 6 月 16 日立法（法律輯錄第 48 冊第 166 頁）增列本項；有關對聯邦註冊銀行關係企業之檢查，參閱本法第 21 條。〕

23.促進公共福利之投資

州會員銀行得於法律所容許的最大範圍內直接或間接從事專為促進公共福利之投資，包括促進低收入及一般收入的社區或家庭之福利（如提供住宅、服務或工作）；州會員銀行不得從事足以使其暴露於無限責任風險之投資。聯準會依本項規定應對州會員銀行之任一投資計畫及其總投資予以限制。州會員銀行依本項規定從事投資之總額不得超過相當於其實收淨資本 5%及其保留盈餘 5%之總和。但經聯準會依命令認定，更高金額之投資對於存款保險基金無重大風險之影響，且州會員銀行有適足之資本者，不在此限。任一州會員銀行根據本項規定從事之任何投資總額，均不得超過相當於其實收淨資本 15%及其保留盈餘 15%之總和。上述標準及限制適用於州會員銀行及其子行依本項規定所從事之投資。

〔見美國法典第 12 編第 338a 條。1992 年 10 月 23 日立法（法律輯錄第 106 冊第 2774 頁）增列本項；2006 年 2 月 25 日立法（法律輯錄第 119 冊第 3616 頁）、2006 年 10 月 13 日立法（法律輯錄第 120 冊第 1917 頁）及 2008 年 7 月 30 日立法（法律輯錄第 122 冊第 2857 頁）修正。〕

**2006 年 10 月 16 日立法為相同修正 (法律輯錄第 120 冊第 2028 頁。)*

Section 9A. Participation in Lotteries Prohibited

(a) A State member bank may not--

1. deal in lottery tickets;
2. deal in bets used as a means or substitute for participation in a lottery;
3. announce, advertise, or publicize the existence of any lottery;
4. announce, advertise, or publicize the existence or identity of any participant or winner, as such, in a lottery.

(b) A State member bank may not permit--

1. the use of any part of any of its banking offices by any person for any purpose forbidden to the bank under subsection (a), or
2. direct access by the public from any of its banking offices to any premises used by any person for any purpose forbidden to the bank under subsection (a).

(c) As used in this section--

1. The term "deal in" includes making, taking, buying, selling, redeeming, or collecting.
2. The term "lottery" includes any arrangement whereby three or more persons (the "participants") advance money or credit to another in exchange for the possibility or expectation that one or more but not all of the participants (the "winners") will receive by reason of their advances more than the amounts they have advanced, the identity of the winners being determined by any means which includes--

A. a random selection;

B. a game, race, or contest; or

C. any record or tabulation of the result of one or more events in which any participant has no interest except for its bearing upon the possibility that he may become a winner.

3. The term "lottery ticket" includes any right, privilege, or possibility (and any ticket, receipt, record, or other evidence of any such right, privilege, or possibility) of becoming a winner in a lottery.

(d) Nothing contained in this section prohibits a State member bank from accepting deposits or cashing or otherwise handling checks or other negotiable instruments, or performing other lawful banking services for a State operating a lottery, or for an officer or employee of that State who is charged with the administration of the lottery.

(e) The Board of Governors of the Federal Reserve System shall issue such regulations as may be necessary to the strict enforcement of this section and the prevention of evasions thereof.

第 9A 條　禁止參與經營彩券

(a)州註冊會員銀行不得：

1. 為彩券交易；
2. 以賭博作為參與經營彩券之方法或代替品；
3. 公布、廣告或宣傳彩券；
4. 公布、廣告或宣傳彩券參與人及得獎人之身分。

(b)州註冊會員銀行不得允許：

1. 任何人為第(a)項所禁止之目的而使用其銀行辦公處所；或
2. 公眾直接經由其銀行辦公處所為第(a)項所禁止之目的而進入他人使用之不動產。

(c)本條所謂：

1.「交易」包括發行、接受、購入、出售、償付或代收；
2.「彩券」包括由三個人（即參與人）以上墊付金錢或信用予他人，以換取由其中一人或一人（即得獎人）以上而非全體參與人能取得超出其原出資數額；其得獎人係由下列方式選出：

A. 隨機挑選；

B. 遊戲、賽跑或比賽；或

C. 因一種或多種除參與人可能因此成為得獎人外，與其利益無關之事件所演變之紀錄或圖表。

3.「彩券」包括彩券中之任何權利、特權或可能性（即任何票據、收據、紀錄或其他得證明該項權利、特權或可能性之證明）。

(d)本條規定並不禁止州註冊會員銀行為經營彩券之州政府或管理該州彩券行政業務之職員或受雇人收受存款、兌現，或代為處理支票或其他可轉讓票據，或提供其他合法之金融服務。

(e)聯準會為嚴格執行本條及防範規避其規定應訂定必要之規則。

[12 USC 339. As added by act of Dec. 15, 1967 (81 Stat. 609) effective April 1, 1968. Corresponding prohibitions are contained in section 5136B of the Revised Statutes, section 20 of the Federal Deposit Insurance Act, and section 410 of the National Housing Act with respect to national banks, nonmember insured banks, and institutions insured by the Federal Savings and Loan Insurance Corporation, respectively.]

Section 9B. Resolution of Clearing Banks

(a) Conservatorship or receivership

1. Appointment. The Board may appoint a conservator or receiver to take possession and control of any uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator or receiver for a national bank.
2. Powers. The conservator or receiver for an uninsured State member bank referred to in paragraph (1) shall exercise the same powers, functions, and duties, subject to the same limitations, as a conservator or receiver for a national bank.

(b) Board authority. The Board shall have the same authority with respect to any conservator or receiver appointed under subsection (a), and the uninsured State member bank for which the conservator or receiver has been appointed, as the Comptroller of the Currency has with respect to a conservator or receiver for a national bank and the national bank for which the conservator or receiver has been appointed.

(c) Bankruptcy proceedings. The Board (in the case of an uninsured State member bank which operates, or operates as, such a multilateral clearing organization) may direct a conservator or receiver appointed for the bank to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the bank in lieu of otherwise applicable Federal or State insolvency law.

[12 USC 339a. As added by act of Dec. 21, 2000 (114 Stat. 2763A-392).]

Section 10. Board of Governors of the Federal Reserve System

1. Appointment and Qualification of Members

〔見美國法典第 12 編第 339 條。1967 年 12 月 15 日立法（法律輯錄第 81 冊第 609 頁），1968 年 4 月 1 日生效，增列本項。相關禁止聯邦註冊銀行、非會員要保銀行及聯邦儲貸保險公司要保機構之規定分別參見「修正法律」第 5136B 條，聯邦存款保險法第 20 條及聯邦住宅法第 410 條。〕

第 9B 條　清算銀行之改革

(a)接管或清算

1. 任命。聯準會得任命接管人或清算人接收及控制任何依據 1991 年聯邦存款保險公司健全法經營一個多邊清算組織之非屬要保機構之州會員銀行，其程度與方式與通貨監理局長得任命一位聯邦註冊銀行之接管人或清算人相同。
2. 權力。前項所稱非屬要保機構州會員銀行之接管人或清算人，應行使與擔任聯邦註冊銀行接管人或清算人相同之權力、功能及職責，並受相同之限制。

(b)聯準會之職權。聯準會對於任何根據(a)款所任命之接管人或清算人及其職權，與通貨監理局長對於聯邦註冊銀行之接管人或清算人及其職權相同。

(c)破產程序。聯準會（在非屬要保機構之州會員銀行經營一個多邊清算組織之情況下）得指示其任命之銀行接管人或清算人根據美國法典第 11 編提交申請書；於此類案件中，美國法典第 11 編對於該銀行之適用，應代替其他現行聯邦或州破產法之適用。

〔美國法典第 12 篇第 339a 條。2000 年 11 月 21 日立法（法律輯要第 114 冊第 2763a-392 頁）增訂。〕

第 10 條　聯準會

1.聯準會理事之任命與資格

The Board of Governors of the Federal Reserve System (hereinafter referred to as the "Board") shall be composed of seven members, to be appointed by the President, by and with the advice and consent of the Senate, after the date of enactment of the Banking Act of 1935, for terms of fourteen years except as hereinafter provided, but each appointive member of the Federal Reserve Board in office on such date shall continue to serve as a member of the Board until February 1, 1936, and the Secretary of the Treasury and the Comptroller of the Currency shall continue to serve as members of the Board until February 1, 1936. In selecting the members of the Board, not more than one of whom shall be selected from any one Federal Reserve district, the President shall have due regard to a fair representation of the financial, agricultural, industrial, and commercial interests, and geographical divisions of the country. The members of the Board shall devote their entire time to the business of the Board and shall each receive an annual salary of $15,000, payable monthly, together with actual necessary traveling expenses.

[12 USC 241. As amended by acts of June 3, 1922 (42 Stat. 620); Aug. 23, 1935 (49 Stat. 704). Prior to the enactment of the Banking Act of 1935, approved Aug. 23, 1935, the Board of Governors of the Federal Reserve System was known as the Federal Reserve Board. See note to the third paragraph of section 1. The portion of this paragraph dealing with salaries of Board members has in effect been amended numerous times, most recently by Executive Order. Prior to the act of December 27, 2000, section 1002 of which revised the executive schedule, the salary of the chairman of the Board was set at executive schedule level 2 and the salary of other members at level 3. The salary of the chairman of the Board is now set at executive schedule level I, and the salary of other members at level II (see 2 USC 358 and 5 USC 5313 and 5314).]

2. Members Ineligible to Serve Member Banks; Term of Office; Chairman and Vice Chairman

The members of the Board shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any member bank, except that this restriction shall not apply to a member who has served the full term for which he was appointed. Upon the expiration of the term of any appointive member of the Federal Reserve Board in office on the date of enactment of the Banking Act of 1935, the President shall fix the term of the successor to such member at not to exceed fourteen years, as designated by the President at the time of nomination, but in such manner as to provide for the expiration of the term of not more than one member in any two-year period, and thereafter each member shall hold office for a term of fourteen years from the expiration of the term of his predecessor, unless sooner removed for cause by the President. Of the persons thus appointed, 1 shall be designated by the President, by and with the advice and consent of the Senate, to serve as Chairman of the Board for a term of 4 years, and 2 shall be designated by the President, by and with the advice and consent of the Senate, to serve as Vice Chairmen of the Board, each for a term of 4 years, 1 of whom shall serve in the absence of the Chairman, as provided in the fourth undesignated paragraph of this section, and 1 of whom shall be designated Vice Chairman for Supervision.

聯準會自 1935 年銀行法公布日起，應由理事七人組成之；理事由總統諮詢參議院並得該院同意後任命之，任期 14 年。但各現任理事應繼續任職至 1936 年 2 月 1 日止，財政部長及通貨監理局長應續任理事至 1936 年 2 月 1 日止。選任聯準會理事時，不得自任一聯邦準備區，選出超過一人之理事；總統應妥為注意代表全國金融、農業、工業與商業利益及地域之公平性。聯準會理事應為專職，年薪 15,000 美元，按月支領之，並得領受差旅所必要之費用。

〔見美國法典第 12 編第 241 條。1922 年 6 月 3 日立法（法律輯錄第 42 冊第 620 頁）；1935 年 8 月 23 日立法（法律輯錄第 49 冊第 704 頁）修正。1935 年 8 月 23 日 1935 年銀行法公布日前，聯準會原名為聯邦準備制度理事會。參閱第一條第三項附註。本項有關聯準會理事薪資部分，業經多次修正，最近一次係透過行政命令修正。2000 年 12 月 27 日立法前，該命令第 1002 條修正行政薪級表將聯準會主席薪水定為行政薪級表第 2 級；其他理事則定為行政薪級表第 3 級；目前聯準會主席薪水定為行政薪級表第 1 級；其他理事則定為行政薪級表第 2 級。（見美國法典第 2 編第 358 條及第 5 編第 5313 條及第 5314 條）

2. 理事不得在會員銀行任職、任期、聯準會主席及副主席

聯準會理事不得在任期內及離職後 2 年內在會員銀行擔任任何職務，但理事已任職至任期屆滿者，不在此限。1935 年銀行法生效日，任職聯準會理事之任期屆滿時，總統於提名繼任人時應決定其任期，但不得超過 14 年，且不得有理事二人以上在 2 年內同時屆滿任期，而後各理事除總統因故提早解除其職務外，應自其前任理事任期屆滿日起算其 14 年之任期。總統經諮詢參議院同意後，應在所任命理事中指定一人為聯準會主席；二人為副主席，任期各為 4 年。其中一位應於聯準會主席缺席時擔任代理人；另一位應依本條第 4 項規定任命為監理副主席。監理副主席應向聯準會提出有關監事會對於其監管之存款控股公司及其他金融公司監理政策之建議，並應監督上述公司之監理情形。聯準會主席於聯準會

The Vice Chairman for Supervision shall develop policy recommendations for the Board regarding supervision and regulation of depository institution holding companies and other financial firms supervised by the Board, and shall oversee the supervision and regulation of such firms. The chairman of the Board, subject to its supervision, shall be its active executive officer. Each member of the Board shall within fifteen days after notice of appointment make and subscribe to the oath of office. Upon the expiration of their terms of office, members of the Board shall continue to serve until their successors are appointed and have qualified. Any person appointed as a member of the Board after the date of enactment of the Banking Act of 1935 shall not be eligible for reappointment as such member after he shall have served a full term of fourteen years.

[[12 USC 242. As amended by acts of March 3, 1919 (40 Stat. 1315); June 3, 1922 (42 Stat. 620); June 16, 1933 (48 Stat. 166); Aug. 23, 1935 (49 Stat. 704); November 16, 1977 (91 Stat. 1388); and act of July 21, 2010 (124 Stat. 2126). The Banking Act of 1935, referred to in this paragraph, became effective Aug. 23, 1935. Prior to the enactment of that act, the chairman and vice chairman of the Board of Governors of the Federal Reserve System were known as the governor and vice governor of the Federal Reserve Board, respectively. See note to the third paragraph of section 1. The act of November 16, 1977, amended the second sentence of this paragraph. The amendment takes effect on Jan. 1, 1979, and applies to individuals who are designated by the President on or after such date to serve as chairman or vice chairman. The act of July 21, 2010, designated a new Vice Chairman for Supervision.]

3. Assessments on Federal Reserve Banks

The Board of Governors of the Federal Reserve System shall have power to levy semiannually upon the Federal reserve banks, in proportion to their capital stock and surplus, an assessment sufficient to pay its estimated expenses and the salaries of its members and employees for the half year succeeding the levying of such assessments, together with any deficit carried forward from the preceding half year, and such assessments may include amounts sufficient to provide for the acquisition by the Board in its own name of such site or building in the District of Columbia as in its judgment alone shall be necessary for the purpose of providing suitable and adequate quarters for the performance of its functions. After September 1, 2000, the Board may also use such assessments to acquire, in its own name, a site or building (in addition to the facilities existing on such date) to provide for the performance of the functions of the Board. After approving such plans, estimates, and specifications as it shall have caused to be prepared, the Board may, notwithstanding any other provision of law, cause to be constructed on any site so acquired by it a building or buildings suitable and adequate in its judgment for its purposes and proceed to take all such steps as it may deem necessary or appropriate in connection with the construction, equipment, and furnishing of such building or buildings. The Board may maintain, enlarge, or remodel any building or buildings so acquired or constructed and shall have sole control of such building or buildings and space therein.

之監督下，擔任其代表人。各理事應於收到任命狀後 15 日內宣誓就職。聯準會理事任期屆滿時，應繼續任職至其繼任人任命及適格就職時止。1935 年銀行法公布日後任命為理事之人已任職滿 14 年者，不得再被任命為理事。

〔見美國法典第 12 編第 242 條。1919 年 3 月 3 日立法（法律輯錄第 40 冊第 1315 頁）、1922 年 6 月 3 日立法（法律輯錄第 42 冊第 620 頁）、1933 年 6 月 16 日立法（法律輯錄第 48 冊第 166 頁）、1935 年 8 月 23 日立法（法律輯錄第 49 冊第 704 頁）、1977 年 11 月 16 日立法（法律輯錄第 91 冊第 1388 頁）、2010 年 7 月 21 日立法（法律輯錄第 124 冊第 2126 頁）修正。本項所指之 1935 年銀行法於 1935 年 8 月 23 日生效。在該法案公布前，聯準會主席及副主席稱為聯邦準備制度理事會總裁及副總裁。參閱第 1 條第 3 項之附註。1977 年 11 月 16 日立法修正本項第二句，該修正案於 1979 年 1 月 1 日生效，並適用於日後由總統指派擔任主席或副主席之人。2010 年 7 月 21 日立法，任命一位新的監理副主席。〕

3. 向聯邦準備銀行收費

聯準會有權每半年向聯邦準備銀行按其資本額及累積盈餘徵收足供該徵收後半年之預算費用與其理事及職員薪金，以及彌補前半年虧損之數額。該數額得包括依其裁量為執行其功能，提供適當房屋所必要，足敷聯準會得在哥倫比亞特區內以其自己名義購買辦公房舍之用。在 2000 年 9 月 1 日後，聯準會得運用此項收費，以其名義購得辦公位址或房舍（尤其係於該日期現存之設施），俾執行其職能。聯準會於核定此項計畫、預算及規格後，得在所購得之地點進行建造合於其用途之房舍，並為完成該建築物之建造、設備及裝修進行一切必要或適當之步驟；法律有其他規定時，亦同。聯準會得維護、擴大或重新裝修其取得或建造之建築物，並有管理該建築物之權。

[12 USC 243. As reenacted without change by act of June 3, 1922 (42 Stat. 621); and amended by acts of June 19, 1934 (48 Stat. 1108) and Dec. 27, 2000 (114 Stat. 3027). By act approved June 27, 1935 (49 Stat. 425), provision was made for the furnishing of steam from the central heating plant to the Federal Reserve Board, now the Board of Governors of the Federal Reserve System.]

4. Principal Offices; Expenses; Deposit of Funds; Members Not to Be Officers or Stockholders of Banks

The principal offices of the Board shall be in the District of Columbia. At meetings of the Board the chairman shall preside, and, in his absence, the vice chairman shall preside. In the absence of the chairman and the vice chairman, the board shall elect a member to act as chairman pro tempore. The Board shall determine and prescribe the manner in which its obligations shall be incurred and its disbursements and expenses allowed and paid, and may leave on deposit in the Federal Reserve banks the proceeds of assessments levied upon them to defray its estimated expenses and the salaries of its members and employees, whose employment, compensation, leave, and expenses shall be governed solely by the provisions of this Act, specific amendments thereof, and rules and regulations of the Board not inconsistent therewith; and funds derived from such assessments shall not be construed to be Government funds or appropriated moneys. No member of the Board of Governors of the Federal Reserve System shall be an officer or director of any bank, banking institution, trust company, or Federal Reserve bank or hold stock in any bank, banking institution, or trust company; and before entering upon his duties as a member of the Board of Governors of the Federal Reserve System he shall certify under oath that he has complied with this requirement, and such certification shall be filed with the secretary of the Board. Whenever a vacancy shall occur, other than by expiration of term, among the six members of the Board of Governors of the Federal Reserve System appointed by the President as above provided, a successor shall be appointed by the President, by and with the advice and consent of the Senate, to fill such vacancy, and when appointed he shall hold office for the unexpired term of his predecessor.

[12 USC 244. As amended by acts of June 3, 1922 (42 Stat. 621); June 16, 1933 (48 Stat. 167); Aug. 23, 1935 (49 Stat. 705). The reference to "the six members" of the Board of Governors is an apparent error in the law and should read "the seven members." See section 10, first paragraph.]

〔見美國法典第 12 編第 143 條。1922 年 6 月 3 日立法（法律輯錄第 42 冊第 621 頁）重新公布而無修正；1934 年 6 月 19 日立法（法律輯錄第 48 冊第 118 頁）修正。1935 年 6 月 27 日立法（法律輯錄第 49 冊第 425 頁），增訂提供聯邦準備儲備局，即現在的聯準會中央暖氣系統之規定。〕

4. 主要辦公處所、費用、資金收存、理事不得擔任會員銀行之職員或股東

聯準會之主要辦公處所應設於哥倫比亞特區。聯準會由聯準會主席擔任主席，主席缺席時，由副主席擔任主席。主席及副主席均缺席時，聯準會應推舉理事一人擔任臨時主席。聯準會應議決及規定其債務發生及其支出與費用之核付方式，並得將自聯邦準備銀行徵收用以支付聯準會之費用及理事與職員之薪津，存入聯邦準備銀行。有關理事及其職員之僱用、待遇、休假及費用，應依照本法及其修正案，以及聯準會所訂不違反上述規定之法規辦理之；因該徵收所獲資金不得視同政府基金或預算款項。聯準會理事不得擔任銀行、金融機構或信託公司之職員或董事，或持有銀行、金融機構或信託公司之股票；聯準會理事執行其職務前應宣誓並證明其已符合此項要件；該證明文件應交由聯準會秘書存檔。如總統依前述規定任命之聯準會理事六人於任期屆滿前出缺時，其繼任人應由總統洽商參議院同意後任命遞補之，並繼任至前任任期屆滿為止。

〔見美國法典第 12 編第 244 條。1922 年 6 月 3 日立法（法律輯錄第 42 冊第 621 頁）、1934 年 6 月 16 日立法（法律輯錄第 48 冊第 167 頁）及 1935 年 8 月 23 日立法（法律輯錄第 49 冊第 705 頁）加以修正。條文所指聯準會「理事六人」顯有錯誤，應為「理事七人」(參閱第 10 條第 1 項)。〕

5. Vacancies During Recess of Senate

The President shall have power to fill all vacancies that may happen on the Board of Governors of the Federal Reserve System during the recess of the Senate by granting commissions which shall expire with the next session of the Senate.

[12 USC 245. As amended by act of June 3, 1922 (42 Stat. 621).]

6. Reservation of Powers of Secretary of Treasury

Nothing in this Act contained shall be construed as taking away any powers heretofore vested by law in the Secretary of the Treasury which relate to the supervision, management, and control of the Treasury Department and bureaus under such department, and wherever any power vested by this Act in the Board of Governors of the Federal Reserve System or the Federal reserve agent appears to conflict with the powers of the Secretary of the Treasury, such powers shall be exercised subject to the supervision and control of the Secretary.

[12 USC 246. As reenacted without change by act of June 3, 1922 (42 Stat. 621).]

7. Annual Report

The Board of Governors of the Federal Reserve System shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress. The report required under this paragraph shall include the reports required under section 707 of the Equal Credit Opportunity Act, section 18(f)(7) of the Federal Trade Commission Act, section 114 of the Truth in Lending Act, and the tenth undesignated paragraph of this section.

[12 USC 247. As reenacted without change by act of June 3, 1922 (42 Stat. 621) and amended by acts of June 3, 1922, and Dec. 27, 2000 (114 Stat. 3030).]

8. Office of the Comptroller of the Currency

Section three hundred and twenty-four of the Revised Statutes of the United States shall be amended so as to read as follows:

(a) Office of the Comptroller of the Currency established. There is established in the Department of the Treasury a bureau to be known as the "Office of the Comptroller of the Currency" which is charged with assuring the safety and soundness of, and compliance with laws and regulations, fair access to financial services, and fair treatment of customers by, the institutions and other persons subject to its jurisdiction.

5. 參議院休會期間理事之出缺

總統有權補足在參議院休會期間之聯準會理事，其委任期間應至次屆參議院會期開始為止。

〔見美國法典第 12 編第 245 條。1922 年 6 月 3 日立法（法律輯錄第 42 冊第 621 頁）修正。〕

6. 財政部長權力之保留

本法之規定不應解釋為取消法律所賦予財政部長對其所屬機關監督管理及控制之權。本法賦予聯準會或聯邦準備代理人之權力，如與財政部之權力牴觸時，該權力應自財政部之監督及控制下行使之。

〔見美國法典第 12 編第 246 條。1922 年 6 月 3 日立法（法律輯錄第 42 冊第 621 頁），本項無修正。〕

7. 年報

聯準會每年應將完整的年度業務報告送交眾議院議長，由該議長刊印，俾國會獲得該項資料。依本項所提出之報告，應包括依公平信用機會法第 707 條、聯邦貿易委員會法第 18(f)7 條、誠信借貸法第 114 條及本條第 10 項等所規定之報告。

〔見美國法典第 12 編第 247 條。1922 年 6 月 3 日重新立法（法律輯錄第 42 冊第 621 頁），本項無修正。1922 年 6 月 3 日及 2000 年 12 月 27 日立法（法律輯錄第 114 冊第 3030 頁）修正。〕

8.通貨監理局長辦公室

聯邦修正法律第 324 條應修正如下：

(a)通貨監理局長辦公室之設立。財政部內應設通貨監理局長辦公室，負責確保其所轄機構及人員之安全性、穩健性、法規遵循、公平提供金融服務及公正對待客戶等。

(b) Comptroller of the Currency.

1. In general. The chief officer of the Office of the Comptroller of the Currency shall be known as the Comptroller of the Currency. The Comptroller of the Currency shall perform the duties of the Comptroller of the Currency under the general direction of the Secretary of the Treasury. The Secretary of the Treasury may not delay or prevent the issuance of any rule or the promulgation of any regulation by the Comptroller of the Currency, and may not intervene in any matter or proceeding before the Comptroller of the Currency (including agency enforcement actions), unless otherwise specifically provided by law.
2. Additional authority. The Comptroller of the Currency shall have the same authority with respect to functions transferred to the Comptroller of the Currency under the Enhancing Financial Institution Safety and Soundness Act of 2010 as was vested in the Director of the Office of Thrift Supervision on the transfer date, as defined in section 311 of that Act.

[12 USC 1. As reenacted without change by act of June 3, 1922 (42 Stat. 621); and amended by acts of May 20, 1966 (80 Stat. 161), Sept. 23, 1994 (108 Stat. 2232), and July 21, 2010 (124 Stat. 1523).]

9. Branch Federal Reserve Bank Buildings

No Federal Reserve bank may authorize the acquisition or construction of any branch building, or enter into any contract or other obligation for the acquisition or construction of any branch building, without the approval of the Board.

[12 USC 522. As added by act of June 3, 1922 (42 Stat. 622); and amended by acts of Feb. 6, 1923 (42 Stat. 1223); July 30, 1947 (61 Stat. 520); May 29, 1953 (67 Stat. 41); Aug. 31, 1962 (76 Stat. 418); Oct. 28, 1974 (88 Stat. 1505); and Oct. 24, 1992 (106 Stat. 3144).]

10. Record of Open Market and Other Policies

The Board of Governors of the Federal Reserve System shall keep a complete record of the action taken by the Board and by the Federal Open Market Committee upon all questions of policy relating to open-market operations and shall record therein the votes taken in connection with the determination of open-market policies and the reasons underlying the action of the Board and the Committee in each instance. The Board shall keep a similar record with respect to all questions of policy determined by the Board, and shall include in its annual report to the Congress a full account of the action so taken during the preceding year with respect to open-market policies and operations and with respect to the policies determined by it and shall include in such report a copy of the records required to be kept under the provisions of this paragraph.

[12 USC 247a. As added by act of Aug. 23, 1935 (49 Stat. 705).]

(b)通貨監理局長

1. 通則。通貨監理局長辦公室之主管官員，應稱為通貨監理局長，並應依財政部長之命令，執行職務。除法律另有規定外，財政部長不得延誤或妨礙通貨監理局長所訂頒之規章，及介入通貨監理局長審酌中之任一事項或案件。
2. 其他職權。自「2010 年強化金融機構安全穩定法」所訂權限移轉日起，通貨監理局長有與審計長原依該法第 311 條所定職掌範圍事項相同之權限。

〔見美國法典第 12 編第 1 條。1922 年 6 月 3 日重新立法（法律輯錄第 42 冊第 621 頁），本項無修正。1966 年 5 月 20 日立法（法律輯錄第 80 冊第 161 頁及 1994 年 9 月 23 日立法（法律輯錄第 108 冊第 2232 頁）修正。2010 年 1 月 21 日立法修正(法律輯錄第 124 冊第 1523 頁)。〕

9. 聯邦準備銀行分行之行址建築

未經聯準會核准，聯邦準備銀行不得許可任何分行建物之採購或新建，或簽訂任何有關採購或新建分行建物之契約。

〔見美國法典第 12 編第 522 條。1922 年 6 月 3 日立法（法律輯錄第 42 冊第 622 頁）增訂本項。1923 年 2 月 6 日立法（法律輯錄第 42 冊第 1223 頁）、1947 年 7 月 30 日立法（法律輯錄第 61 冊第 520 頁）、1953 年 5 月 29 立法（法律輯錄第 67 冊第 41 頁）、1962 年 8 月 31 日立法（法律輯錄第 76 冊第 418 頁）及 1974 年 10 月 28 日立法（法律輯錄第 88 冊第 1505 頁）、1992 年 10 月 24 日立法（法律輯錄第 106 冊第 3144 頁）。〕

10.公開市場及其他政策之紀錄

聯準會對聯準會及公開市場委員會所採有關公開市場之操作，應保存詳細紀錄，並應記錄有關決定公開市場政策之表決票數，以及聯準會與委員會各次議決之理由。聯準會對有關其決定之政策問題，應保持類似紀錄，並應在其報送國會之年報中，將前一年度有關公開市場政策與操作，及該政策決定之理由列入，並應將本項所規定應保存之紀錄影本，附入報告內。

〔見美國法典第 12 編第 247a 條。1935 年 8 月 23 日立法（法律輯錄第 49 冊第 705 頁）增訂本項。〕

12. Appearances before Congress

The Vice Chairman for Supervision shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives and at semi-annual hearings regarding the efforts, activities, objectives, and plans of the Board with respect to the conduct of supervision and regulation of depository institution holding companies and other financial firms supervised by the Board.

[12 USC 247b. As added by act of July 21, 2010 (124 Stat. 2126).]

** The act of July 21, 2010, added paragraph 12 without adding paragraph 11.*

Section 10A. Emergency Advances to Groups of Member Banks

1. Authority of Reserve Banks to Make Advances

Upon receiving the consent of not less than five members of the Board of Governors of the Federal Reserve System, any Federal reserve bank may make advances, in such amount as the board of directors of such Federal reserve bank may determine, to groups of five or more member banks within its district, a majority of them independently owned and controlled, upon their time or demand promissory notes, provided the bank or banks which receive the proceeds of such advances as herein provided have no adequate amounts of eligible and acceptable assets available to enable such bank or banks to obtain sufficient credit accommodations from the Federal reserve bank through rediscounts or advances other than as provided in section 10(b). The liability of the individual banks in each group must be limited to such proportion of the total amount advanced to such group as the deposit liability of the respective banks bears to the aggregate deposit liability of all banks in such group, but such advances may be made to a lesser number of such member banks if the aggregate amount of their deposit liability constitutes at least 10 per centum of the entire deposit liability of the member banks within such district. Such banks shall be authorized to distribute the proceeds of such loans to such of their number and in such amount as they may agree upon, but before so doing they shall require such recipient banks to deposit with a suitable trustee, representing the entire group, their individual notes made in favor of the group protected by such collateral security as may be agreed upon. Any Federal reserve bank making such advance shall charge interest or discount thereon at a rate not less than 1 per centum above its discount rate in effect at the time of making such advance. No such note upon which advances are made by a Federal reserve bank under this section shall be eligible under section 16 of this Act as collateral security for Federal reserve notes.

[12 USC 347a. As added by act of Feb. 27, 1932 (47 Stat. 56).]

12.出席國會聽證

監理副主席應出席參議院銀行、住宅及城市事務委員會、眾議院金融服務委員會及有關聯準會對於其監理之儲蓄銀行控股公司與其他金融公司執行監理之相關工作、業務、目標及計畫等之聽證會。

〔見美國法典第 12 編第 247b 條。2010 年 7 月 21 日立法（法律輯錄第 42 冊第 622 頁）增訂本項。〕

＊ 2010 年 7 月 21 日立法增訂第 12 項，但未增訂第 11 項。

第 10A 條　對會員銀行之集體緊急貸款

1.聯邦準備銀行墊款之授權

聯邦準備銀行經取得聯準會理事 5 人以上之同意，得對該區內 5 家或更多數各自獨立所有及控制之會員銀行，其定期或見票即付本票予以聯邦準備銀行董事會所決定數額之集體墊款，但以收受該墊款之銀行無法提供適當合格且能被接受之資產，向聯邦準備銀行經由第 10b 條以外方式重貼現或墊款取得足額信用融資者為限。各集團中個別銀行之債務對集團全部墊款之比例，應限與其存款負債對全體銀行存款負債之比例相同，但如該會員銀行之總存款負債，至少為該區全體會員銀行總存款負債之 10%者，該墊款得貸予該會員銀行較少家數。該銀行得將貸款依其合議數額及方式分配之，但分配前應事先要求受款銀行，提供以該集團為受款人之本票，並附合格擔保品，存入代表全體集團銀行之適當受託人。各聯邦準備銀行為該項墊款，應收取高於墊款時貼現率 1%以上之利息或貼現息。聯邦準備銀行因墊款所提供之本票，不得依本法第 16 條規定作為發行聯邦準備鈔券之合格擔保品。

〔見美國法典第 12 編第 347a 條。1932 年 2 月 27 日立法（法律輯錄第 47 冊第 56 頁）增訂本項。〕

2. Foreign Obligations as Security for Advances

No obligations of any foreign government, individual, partnership, association, or corporation organized under the laws thereof shall be eligible as collateral security for advances under this section.

[12 USC 347a. As added by act of Feb. 27, 1932 (47 Stat. 56).]

3. Authority of Member Banks to Obligate Themselves

Member banks are authorized to obligate themselves in accordance with the provisions of this section.

[12 USC 347a. As added by act of Feb. 27, 1932 (47 Stat. 56).]
** Previously section 10(a), this section was redesignated by act of Dec. 19, 1991 (105 Stat. 2279)*

Section 10B. Advances to Individual Member Banks

(a) Any Federal Reserve bank, under rules and regulations prescribed by the Board of Governors of the Federal Reserve System, may make advances to any member bank on its time or demand notes having maturities of not more than four months and which are secured to the satisfaction of such Federal Reserve bank. Notwithstanding the foregoing, any Federal Reserve bank, under rules and regulations prescribed by the Board of Governors of the Federal Reserve System, may make advances to any member bank on its time notes having such maturities as the Board may prescribe and which are secured by mortgage loans covering a one-to-four family residence. Such advances shall bear interest at a rate equal to the lowest discount rate in effect at such Federal Reserve bank on the date of such note.

[12 USC 347b(a). As added by act of Feb. 27, 1932 (47 Stat. 56); and amended by acts of Feb. 3, 1933 (47 Stat. 794); March 9, 1933 (48 Stat. 7); Aug. 23, 1935 (49 Stat. 705); Oct. 18, 1974 (88 Stat. 1368); March 31, 1980 (94 Stat. 140); and Dec. 19, 1991 (105 Stat. 2279).]

Limitations on Advances

(b)

1. Except as provided in paragraph (2), no advances to any undercapitalized depository institution by any Federal Reserve bank under this section may be outstanding for more than 60 days in any 120-day period.

2. 外國債務為墊款擔保品

外國政府、個人或依外國法律所組成之合夥、社團及公司之債務，不得作為本條規定墊款之擔保品。

〔見美國法典第 12 編第 347a 條。1932 年 2 月 27 日立法（法律輯錄第 47 冊第 56 頁）增訂本項。〕

3. 會員銀行承擔債務之授權

會員銀行得依照本條規定承擔債務。

〔見美國法典第 12 編第 347a 條。1932 年 2 月 27 日立法（法律輯錄第 47 冊第 56 頁）增訂本項。〕
＊第 10a 條舊條文，本條於 1991 年 11 月 19 日立法重編（法律輯錄第 105 冊第 2279 頁）

第 10B 條　對個別會員銀行貸款

(a)聯邦準備銀行得依聯準會所定法規，對會員銀行提出期限不超過 4 個月之定期或見票即付之本票且提供合於該聯邦準備銀行要求之擔保品者，予以墊款。除上述情形外，聯邦準備銀行得依聯準會所定法規，對會員銀行之期限為聯準會所定之定期本票及提供包含一至四口家庭住宅之擔保貸款為擔保品者，予以墊款。該墊款之利息應與該聯邦準備銀行對該本票生效日之最低重貼現率相同。

〔見美國法典第 12 編第 347b 條。1932 年 2 月 27 日立法（法律輯錄第 47 冊第 56 頁）增訂本項；1933 年 2 月 3 日立法（法律輯錄第 47 冊第 794 頁）、1933 年 3 月 9 日立法（法律輯錄第 48 冊第 7 頁）、1935 年 8 月 23 立法（法律輯錄第 49 冊第 705 頁）、1974 年 10 月 18 日立法（法律輯錄第 88 冊第 1368 頁）、1980 年 3 月 31 日立法（法律輯錄第 94 冊第 140 頁）、1991 年 12 月 19 日立法（法律輯錄第 105 冊第 2279 頁）修正。〕

墊款限制

(b)

1.除第⑵項規定外，聯邦準備銀行依本條規定對於資產不足之存款機構所為 120 天期之貸款，不得超過 60 天未償還。

2. A. If--

i. the head of the appropriate Federal banking agency certifies in advance in writing to the Federal Reserve bank that any depository institution is viable; or

ii. (ii)the Board conducts an examination of any depository institution and the Chairman of the Board certifies in writing to the Federal Reserve bank that the institution is viable, the limitation contained in paragraph (1) shall not apply during the 60-day period beginning on the date such certification is received.

B. The 60-day period may be extended for additional 60-day periods upon receipt by the Federal Reserve bank of additional written certifications under subparagraph (A) with respect to each such additional period.

C. The authority of the head of any agency to issue a written certification of viability under this paragraph may not be delegated to any other person.

D. Notwithstanding paragraph (1), an undercapitalized depository institution which does not have a certificate of viability in effect under this paragraph may have advances outstanding for more than 60 days in any 120-day period if the Board elects to treat--

i. such institution as critically undercapitalized under paragraph (3); and

ii. any such advance as an advance described in subparagraph (A)(i) of paragraph (3).

A. Notwithstanding any other provision of this section, if--

i. in the case of any critically undercapitalized depository institution--

I. any advance under this section to such institution is outstanding without payment having been demanded as of the end of the 5-day period beginning on the date the institution becomes a critically undercapitalized depository institution; or

II. any new advance is made to such institution under this section after the end of such period; and

ii. after the end of that 5-day period, the Deposit Insurance Fund of the Federal Deposit Insurance Corporation incurs a loss exceeding the loss that the Corporation would have incurred if it had liquidated that institution as of the end of that period the Board shall, subject to the limitations in subparagraph (B), be liable to the Federal Deposit Insurance Corporation for the excess loss, without regard to the terms of the advance or any collateral pledged to secure the advance.

B. The liability of the Board under subparagraph (A) shall not exceed the lesser of the following:

2.

A. 若有下列情形之一者，則前項所定之限制在收到該保證函之日起 60 天內不予適用：

i. 經合適的聯邦銀行機構負責人事先以書面向聯邦準備銀行保證該存款機構尚可救助；或

ii. 經聯準會對該存款機構執行檢查，並以書面向聯邦準備銀行保證該機構尚可救助。

B. 60 天的期限得按聯邦準備銀行每次收到依前款第 1 目規定之保證函，按次予以延長 60 天。

C. 依本項所定機構負責人得提出書面證明該存款機構尚可救助之權限不得授權他人。

D. 縱有第⑴項規定，資產不足之存款機構無法依本項規定取得有效保證者，如經聯準會依第⑶項規定認定有下列情形之一者，其 120 天期之貸款內仍得超過 60 天未償還：

i. 屬資產嚴重不足之機構；且

ii. 屬類似第⑶項第（A）款第 i 目所述之貸款者。

A. 縱本條定有任何其他規定，惟如—

i. 對於嚴重資產不足之存款機構而言-

I. 任何依本條規定對該類機構之貸款未償還之部分，在該機構成為嚴重資產不足之存款機構之日起 5 日內無需支付；或

II. 在該期間屆滿後，依本條規定給予該類機構新的貸款；及

ii. 在該期間屆滿後，聯邦存款保險公司於清算該公司後遭受超過該公司已實現之損失時，不論該貸款或每一擔保品之期限如何，聯準會均應依第（B）款之限制對聯邦存款保險公司之額外損失負責。

B. 聯準會依第（A）款應負之責任，不得超過以下兩者中較少者：

i. The amount of the loss the Board or any Federal Reserve bank would have incurred on the increases in the amount of advances made after the 5-day period referred to in subparagraph (A) if those increased advances had been unsecured.

ii. The interest received on the increases in the amount of advances made after the 5-day period referred to in subparagraph (A).

C. The Board shall pay the Federal Deposit Insurance Corporation the amount of any liability of the Board under subparagraph (A).

D. The Board shall report to the Congress on any excess loss liability it incurs under subparagraph (A), as limited by subparagraph (B)(i), and the reasons therefore, not later than 6 months after incurring the liability.

3. A Federal Reserve bank shall have no obligation to make, increase, renew, or extend any advance or discount under this Act to any depository institution.

4. A. The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

B. The term "critically undercapitalized" has the same meaning as in section 38 of the Federal Deposit Insurance Act.

C. The term "depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

D. The term "undercapitalized depository institution" means any depository institution which--

i. is undercapitalized, as defined in section 38 of the Federal Deposit Insurance Act; or

ii. has a composite CAMEL rating of 5 under the Uniform Financial Institutions Rating System (or an equivalent rating by any such agency under a comparable rating system) as of the most recent examination of such institution.

E. A depository institution is "viable" if the Board or the appropriate Federal banking agency determines, giving due regard to the economic conditions and circumstances in the market in which the institution operates, that the institution--

i. is not critically undercapitalized;

ii. is not expected to become critically undercapitalized; and

iii. is not expected to be placed in conservatorship or receivership.

[12 USC 347b(b). As added by act of Dec. 19, 1991 (105 Stat. 2279) and amended by act of Feb. 15, 2006 (119 Stat. 3616).]

** Previously section 10(b), this section was redesignated by act of Dec. 19, 1991 (105 Stat. 2279).*

i. 聯準會或任一聯邦準備銀行在第（A）款所稱之 5 日後增加無擔保貸款額度所遭受之虧損額。

ii. 在第（A）款所稱之 5 日後貸款額度增加所收取之利息。

C. 聯準會依第（A）款所定之責任，應支付予聯邦存款保險公司之數額。

D. 董事會應於承擔責任後 6 個月內，向國會報告依第（A）款及第（B）款第 i 目所定之限制，所遭受之額外損失責任及理由。

3. 聯邦準備銀行依本法規定並無義務對任何存款機構增加、更新或延長貸款。

4.

A.「合適的聯邦銀行機構」一詞之定義與聯邦存款保險法第 3 條中之定義相同。

B.「資產嚴重不足」一詞之定義與聯邦存款保險法第 38 條中之定義相同。

C.「存款機構」一詞之定義與聯邦存款保險法第 3 條中之定義相同。

D.「資本不足的存款機構」是指下列任一存款機構-

i. 符合聯邦存款保險法第 38 條定義之資本不足；或

ii. 該機構最近一次之受檢結果，根據金融機構統一評等制度，其綜合的 CAMEL 評等為 5 級（或根據類似的評等制度對於任何此類機構的同等評級）。

E. 存款機構“尚可救助”，係指如經聯準會或合適的聯邦銀行機構在充分考慮該機構之運作在市場經濟條件和情況下，認定該機構--

i. 並非資產嚴重不足；

ii. 評估不會成為資產嚴重不足；

iii. 評估不會被接管或清算。

〔美國法典第 12 編第 347b(b)條。1991 年 11 月 19 日立法（法律輯錄第 105 冊第 2279 頁）增訂；2006 年 2 月 15 日立法（法律輯錄第 119 冊第 3616 頁）修正。〕

＊第 10b 條舊條文，本條於 1991 年 11 月 19 日立法重編（法律輯錄第 105 冊第 2279 頁）

Section 11. Powers of Board of Governors of the Federal Reserve System

The Board of Governors of the Federal Reserve System shall be authorized and empowered:

Examinations and Reports

(a)

1. To examine at its discretion the accounts, books, and affairs of each Federal reserve bank and of each member bank and to require such statements and reports as it may deem necessary. The said board shall publish once each week a statement showing the condition of each Federal reserve bank and a consolidated statement for all Federal reserve banks. Such statements shall show in detail the assets and liabilities of the Federal reserve banks, single and combined, and shall furnish full information regarding the character of the money held as reserve and the amount, nature, and maturities of the paper and other investments owned or held by Federal reserve banks.
2. To require any depository institution specified in this paragraph to make, at such intervals as the Board may prescribe, such reports of its liabilities and assets as the Board may determine to be necessary or desirable to enable the Board to discharge its responsibility to monitor and control monetary and credit aggregates. Such reports shall be made (A) directly to the Board in the case of member banks and in the case of other depository institutions whose reserve requirements under section 19 of this Act exceed zero, and (B) for all other reports to the Board through the (i) Federal Deposit Insurance Corporation in the case of insured State savings associations that are insured depository institutions (as defined in section 3 of the Federal Deposit Insurance Act), State nonmember banks, savings banks, and mutual savings banks, (ii) National Credit Union Administration Board in the case of insured credit unions, (iii) the Comptroller of the Currency in the case of any Federal savings association which is an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or which is a member as defined in section 2 of the Federal Home Loan Bank Act, and (iv) such State officer or agency as the Board may designate in the case of any other type of bank, savings association, or credit union. The Board shall endeavor to avoid the imposition of unnecessary burdens on reporting institutions and the duplication of other reporting requirements. Except as otherwise required by law, any data provided to any department, agency, or instrumentality of the United States pursuant to other reporting requirements shall be made available to the Board. The Board may classify depository institutions for the purposes of this paragraph and may impose different requirements on each such class.

[12 USC 248(a). As amended by acts of March 31, 1980 (94 Stat. 132); Aug. 9, 1989 (103 Stat. 439); and July 21, 2010 (124 Stat. 1556).]

第 11 條　聯準會之權力

聯準會應有以下權力：

檢查與報告

(a)

1. 得依其裁量檢查各聯邦準備銀行及各會員銀行之帳目、帳簿及其業務，並索取其認為必要之報表及報告。聯準會每週應公布個別聯邦準備銀行之財務狀況及全體聯邦準備銀行之合併報表。該報表應充分反映個別及全體聯邦準備銀行之資產負債狀況，並應提供有關聯邦準備銀行作為準備之貨幣種類及聯邦準備銀行所有或持有票據及其他投資之金額、性質及期限。
2. 得要求本款所稱存款機構，依聯準會所定期間，造具聯準會認為其得監控貨幣與信用總數所必要有關資產負債之報告表：（A）會員銀行及依本法第 19 條法定準備規定超過零之其他存款機構應直接向聯準會申報資產負債表；（B）（i）聯邦存款保險法第 3 條定義之要保州存款機構、要保州註冊非會員銀行、儲蓄銀行及相互儲蓄銀行經由聯邦存款保險公司，（ii）要保信用合作社經由全國信用管理局，（iii）聯邦存款保險法第 3 條定義之要保存款機構或聯邦住宅貸款銀行法第 2 條定義之會員銀行等聯邦儲蓄機構經由通貨監理局長，（iv）其他類型之銀行、儲貸協會或信用合作社經由聯準會指定之州政府官員或機關，向聯準會申報其他報表。聯準會應致力避免加諸報告機構非必要之負擔及重複申報。除法律另有規定外，依其他要求提出報告之規定提供予聯邦政府任何機關之資料，聯準會亦有權取得。聯準會得依本款之目的將存款機構分類並制定不同之申報規定。

〔見美國法典第 12 編第 248(a)條。1980 年 3 月 31 日立法（法律輯錄第 94 冊第 132 頁）、1989 年 8 月 9 日立法（法律輯錄第 103 冊第 439 頁）、2010 年 7 月 21 日立法（法律輯錄第 124 冊第 1556 頁）修正。〕

Rediscounts by One Reserve Bank for Another

(b) To permit, or, on the affirmative vote of at least five members of the Board of Governors of the Federal Reserve System to require Federal reserve banks to rediscount the discounted paper of other Federal reserve banks at rates of interest to be fixed by the Board of Governors of the Federal Reserve System.

[12 USC 248(b). Part of original Federal Reserve Act; not amended.]

Suspension of Reserve Requirements

(c) To suspend for a period not exceeding thirty days, and from time to time to renew such suspension for periods not exceeding fifteen days, any reserve requirements specified in this Act.

[12 USC 248(c). As amended by acts of June 12, 1945 (59 Stat. 237) and March 18, 1968 (82 Stat. 50).]

Issue and Retirement of Federal Reserve Notes

(d) To supervise and regulate through the Secretary of the Treasury the issue and retirement of Federal reserve notes, except for the cancellation and destruction, and accounting with respect to such cancellation and destruction, of notes unfit for circulation, and to prescribe rules and regulations under which such notes may be delivered by the Secretary of the Treasury to the Federal reserve agents applying therefor.

[12 USC 248(d). As amended by acts of May 20, 1966 (80 Stat. 161) and Sept. 23, 1994 (108 Stat. 2293). For provisions governing the issue of Federal Reserve notes, see section 16.]

Reclassification of Reserve Cities

(e) To add to the number of cities classified as reserve cities under existing law in which national banking associations are subject to the reserve requirements set forth in section twenty of this Act; or to reclassifying existing reserve cities or to terminate their designation as such.

[12 USC 248(e). As amended by act of July 28, 1959 (73 Stat. 264), effective July 28, 1962. The reference to "section twenty" is an error in the law and should correctly refer to "section nineteen."]

Suspension or Removal of Officers and Directors of Reserve Banks

(f) To suspend or remove any officer or director of any Federal reserve bank, the cause of such removal to be forthwith communicated in writing by the Board of Governors of the Federal Reserve System to the removed officer or director and to said bank.

[12 USC 248(f). Part of original Federal Reserve Act; not amended.]

聯邦準備銀行間之重貼現

(b)許可或經聯準會理事 5 人以上投票贊成，要求聯邦準備銀行依聯準會核定之利率對其他聯邦準備銀行已貼現之票據予以重貼現。

〔見美國法典第 12 編第 248(b)條。為原法案部分條文，並無修正。〕

存款準備規定之停止適用

(c)得暫時停止存款準備之適用，期間最長不得超過 30 天，並得再延長 15 天。

〔見美國法典第 12 編第 248(c)條。1945 年 6 月 12 日立法（法律輯錄第 59 冊 237 頁）、1968 年 3 月 18 日立法（法律輯錄第 82 冊第 50 頁）修正。〕

聯邦準備鈔券之發行與回收

(d)得經由財政部監管聯邦準備鈔券之發行與回收，但不包括有關不適流通之聯邦準備鈔券之註銷、焚毀及關於註銷、焚毀之登記事項；以及負責訂定財政部將聯邦準備鈔券送交聯邦準備代理人所應適用之法規。

〔見美國法典第 12 編第 248(d)條。1966 年 5 月 20 日立法（法律輯錄第 80 冊 161 頁）、1994 年 9 月 23 日立法（法律輯錄第 108 冊第 2293 頁）修正。有關聯邦準備券發行之規定，參閱本法第 16 條。〕

準備市之重新分類

(e)適用本法第 20 條有關法定準備規定之聯邦註冊銀行，得於現行法律規定下，增加準備市之家數，或對現有準備市重新分類，或終止其為準備市。

〔見美國法典第 12 編第 248(e)條。1959 年 7 月 28 日立法（法律輯錄第 73 冊 264 頁）修正，1962 年 7 月 28 日生效。本項所指本法第 20 條，應更正為第 19 條。〕

準備銀行職員及董事之停職或免職

(f)得將聯邦準備銀行之董事或職員停職或免職；免職原因應由聯準會以書面送達各該遭免職之職員或董事及該銀行。

〔見美國法典第 12 編第 248(f)條。為原法案部分條文，並無修正。〕

Charging Off Losses of Reserve Banks

(g) To require the writing off of doubtful or worthless assets upon the books and balance sheets of Federal reserve banks.]

[12 USC 248(g). Part of original Federal Reserve Act; not amended.]

Suspension, Liquidation, or Reorganization of Reserve Banks

(h) To suspend, for the violation of any of the provisions of this Act, the operations of any Federal reserve bank, to take possession thereof, administer the same during the period of suspension, and, when deemed advisable, to liquidate or reorganize such bank.

[12 USC 248(h). Part of original Federal Reserve Act; not amended.]

Rules and Regulations

(i) To require bonds of Federal reserve agents, to make regulations for the safeguarding of all collateral, bonds, Federal reserve notes, money or property of any kind deposited in the hands of such agents, and said board shall perform the duties, functions, or services specified in this Act, and make all rules and regulations necessary to enable said board effectively to perform the same.

[12 USC 248(i). Part of original Federal Reserve Act; not amended.]

Supervision Over Reserve Banks

(j) To exercise general supervision over said Federal reserve banks.

[12 USC 248(j). Part of original Federal Reserve Act; not amended.]

Delegation of Functions

(k) To delegate, by published order or rule and subject to the Administrative Procedure Act, any of its functions, other than those relating to rulemaking or pertaining principally to monetary and credit policies, to one or more administrative law judges, members or employees of the Board, or Federal Reserve banks. The assignment of responsibility for the performance of any function that the Board determines to delegate shall be a function of the Chairman. The Board shall, upon the vote of one member, review action taken at a delegated level within such time and in such manner as the Board shall by rule prescribe. The Board of Governors may not delegate to a Federal reserve bank its functions for the establishment of policies for the supervision and regulation of depository institution holding companies and other financial firms supervised by the Board of Governors.

[12 USC 248(k). As added by the acts of Nov. 5, 1966 (80 Stat. 1314); March 27, 1978 (92 Stat. 183); and July 21, 2010 (124 Stat. 2126).]

準備銀行損失之沖銷

(g)得責成聯邦準備銀行沖銷帳冊及資產負債表中價值可疑及已無價值之資產。

〔見美國法典第 12 編第 248(g)條。為原法案部分條文，並無修正。〕

準備銀行之勒令停業、清算或重整

(h)得因聯邦準備銀行違反本法之規定，而勒令其停業，並於停業期間接管其業務，並在必要時清算或重整各該銀行。

〔見美國法典第 12 編第 248(h)條。為原法案部分條文，並無修正。〕

法令規章

(i)得責成聯邦準備代理人提供保證，及制訂有關保管存入該代理人擔保品、保證書、聯邦準備券、款項或財產之規範；聯準會應執行本法所規定之職責、功能或業務，並應制訂使其有效執行職責之法規。

〔見美國法典第 12 編第 248(i)條。為原法案部分條文，並無修正。〕

對聯邦準備銀行之監督

(j)得執行對各該聯邦準備銀行之監督。

〔見美國法典第 12 編第 248(j)條。為原法案部分條文，並無修正。〕

授權

(k)得依行政程序法，以發布命令或法規之方式，將有關制訂規則及貨幣與信用政策以外之職權，授予行政法法官、理事或職員一人以上，或聯邦準備銀行。聯準會決定授權執行之職權，應為聯準會主席之職權。聯準會經理事一人建議，即應按聯準會所定規則之時間與方式，審查該被授權階層所採取之行動。聯準會不得將其對存款機構控股公司及其他金融公司之監管政策制定權，授予聯邦準備銀行。

〔見美國法典第 12 編第 248(k)條。1966 年 11 月 5 日立法（法律輯錄第 80 冊 1314 頁）、1978 年 3 月 27 日立法（法律輯錄第 92 冊 183 頁）、2010 年 7 月 21 日立法（法律輯錄第 124 冊 2126 頁）修正。〕

Employees of Board of Governors of the Federal Reserve System

(l) To employ such attorneys, experts, assistants, clerks, or other employees as may be deemed necessary to conduct the business of the board. All salaries and fees shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the members of said board. All such attorneys, experts, assistants, clerks, and other employees shall be appointed without regard to the provisions of the Act of January sixteenth, eighteen hundred and eighty-three (volume twenty-two, United States Statutes at large, page four hundred and three), and amendments thereto, or any rule or regulation made in pursuance thereof: Provided, That nothing herein shall prevent the President from placing said employees in the classified service.

[12 USC 248(l). Part of original Federal Reserve Act; not amended.]

Loans by Member Banks on Stock or Bond Collateral

[Subsection (m) (12 USC 248(m)) was repealed by act of Nov. 12, 1999 (113 Stat. 1479).]

Examination of Depository Institutions and Affiliates

(n) To examine, at the Board's discretion, any depository institution, and any affiliate of such depository institution, in connection with any advance to, any discount of any instrument for, or any request for any such advance or discount by, such depository institution under this Act.

[12 USC 248(n). As added by act of Dec. 19, 1991. The original subsection (n), which authorized the Secretary of the Treasury, as necessary, to require the payment and delivery of all gold coin, gold bullion, and gold certificates to the Treasurer of the United States in exchange for another form of U.S. currency, was repealed by act of Sept. 13, 1982 (96 Stat. 1068).]

Appointment of Conservator or Receiver

(o) The Board may appoint the Federal Deposit Insurance Corporation as conservator or receiver for a State member bank under section 11(c)(9) of the Federal Deposit Insurance Act.

[12 USC 248(o). As added by act of Dec. 19, 1991 (105 Stat. 2273) and redesignated by act of Oct. 28, 1992 (106 Stat. 4080).]

Authority

聯準會之職員

(l)得任用為執行其業務所必要之律師、專家、助理、書記及其他職員。所有薪金費用應由聯準會預先決定，並應與聯準會理事薪金同一方式發給之。律師、專家、助理、書記及其他職員之任用，不適用 1883 年 1 月 16 日立法（法律輯錄第 22 冊第 403 頁）暨其修正案及依上述法律所定規則，但不得妨礙總統任命該職員特定職務。

〔見美國法典第 12 編第 248(l)條。為原法案部分條文，並無修正。〕

會員銀行以股票或債券為擔保之放款

〔本款（見美國法典第 12 編第 248(m)條）業於 1999 年 11 月 12 日立法刪除（見美國法典第 113 編第 1479 條）。〕

存款機構及其分支機構之檢查

(n)聯準會得依其裁量檢查任何存款機構及其分支機構有關依本法規定對該存款機構之貸款及貼現或對該貸款及貼現之任何請求。

〔見美國法典第 12 編第 248(n)條。1991 年 12 月 19 日立法增訂。原(n)款係授權財政部於必要時得規定支付及交付所有黃金硬幣、條塊及憑證予美國財務主管，以換取其他形式的美國通貨，業於 1982 年 9 月 13 日立法（法律輯錄第 96 冊 1068 頁）刪除。〕

接管人或清算人之指派

(o)聯準會得依聯邦存款保險法第 11(c)（9）條規定指派聯邦存款保險公司擔任州會員銀行之接管人或清算人。

〔見美國法典第 12 編第 248(o)條。1991 年 12 月 19 日立法（法律輯錄第 105 冊第 2273 頁）增訂本項、1992 年 10 月 28 日立法（法律輯錄第 106 冊第 4080 頁）重編本項。〕

權限

(p) The Board may act in its own name and through its own attorneys in enforcing any provision of this title, regulations promulgated hereunder, or any other law or regulation, or in any action, suit, or proceeding to which the Board is a party and which involves the Board's regulation or supervision of any bank, bank holding company (as defined in section 2 of the Bank Holding Company Act of 1956), or other entity, or the administration of its operations.

[12 USC 248(p). As added by act of Sept. 23, 1994 (108 Stat. 2232).]

Uniform Protection Authority for Federal Reserve Facilities

(q)

1. Notwithstanding any other provision of law, to authorize personnel to act as law enforcement officers to protect and safeguard the premises, grounds, property, personnel, including members of the Board, of the Board, or any Federal reserve bank, and operations conducted by or on behalf of the Board or a reserve bank.
2. The Board may, subject to the regulations prescribed under paragraph (5), delegate authority to a Federal reserve bank to authorize personnel to act as law enforcement officers to protect and safeguard the bank's premises, grounds, property, personnel, and operations conducted by or on behalf of the bank.
3. Law enforcement officers designated or authorized by the Board or a reserve bank under paragraph (1) or (2) are authorized while on duty to carry firearms and make arrests without warrants for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States committed or being committed within the buildings and grounds of the Board or a reserve bank if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony. Such officers shall have access to law enforcement information that may be necessary for the protection of the property or personnel of the Board or a reserve bank.
4. For purposes of this subsection, the term "law enforcement officers" means personnel who have successfully completed law enforcement training and are authorized to carry firearms and make arrests pursuant to this subsection.
5. The law enforcement authorities provided for in this subsection may be exercised only pursuant to regulations prescribed by the Board and approved by the Attorney General.

[12 USC 248(q). As added by act of Oct. 26, 2001 (115 Stat. 333).]

(p)聯準會得以自己名義或經由自己委任之律師，於執行本篇所有條款、據以發布之法規或其他法令時，或於聯準會身為當事人且涉及聯準會對銀行、銀行控股公司、其他法人或其業務監管之訴訟案或訴訟程序中，採取行動。

〔見美國法典第 12 編第 248(p)條。1994 年 9 月 23 日立法（法律輯錄第 108 冊第 2232 頁）增訂本項。〕

聯邦準備設施之統一保護機構

(q)

1. 縱另有其他法律規定，聯準會得授權人員擔任法律執行官以保護聯準會或聯邦準備銀行之房地、財產及包括聯準會或董事會成員在內之人員與其業務或代表之安全。
2. 聯準會得依第⑸項所訂規則授權聯邦準備銀行再授權人員擔任法律執行官以保護該銀行之房地、財產、人員及其業務或代表之安全。
3. 依前兩項規定由聯準會或聯邦準備銀行授權擔任法律執行官在執勤時有權攜帶槍枝，且對於現行犯之逮捕無須逮捕令，或對於在聯準會或聯邦準備銀行建物或土地內觸犯美國法律認屬重罪之人，於合理相信該人已觸犯或正在觸犯重罪時，亦得加以逮捕。上述執法人員應有權取得為保護聯準會或準備銀行之財產或人員安全之必要資訊。
4. 本款規定所稱之「法律執行官」一詞，係指成功完成執法訓練、有權攜帶槍枝及依本款規定執行逮捕之人員。
5. 本款所定之執法權，僅得依聯準會所定規則執行，並應經總檢察長批准。

〔見美國法典第 12 編第 248(q)條。2001 年 10 月 26 日立法（法律輯錄第 115 冊第 333 頁）增訂本項。〕

Authority of Board When Sufficient Number of Members Are Not in Office or Available

(r)

1. Any action that this Act provides may be taken only upon the affirmative vote of 5 members of the Board may be taken upon the unanimous vote of all members then in office if there are fewer than 5 members in office at the time of the action.

A. Any action that the Board is otherwise authorized to take under section 13 (3) may be taken upon the unanimous vote of all available members then in office, if--

i. at least 2 members are available and all available members participate in the action;

ii. the available members unanimously determine that--

I. unusual and exigent circumstances exist and the borrower is unable to secure adequate credit accommodations from other sources;

II. action on the matter is necessary to prevent, correct, or mitigate serious harm to the economy or the stability of the financial system of the United States;

III. despite the use of all means available (including all available telephonic, telegraphic, and other electronic means), the other members of the Board have not been able to be contacted on the matter; and

IV. action on the matter is required before the number of Board members otherwise required to vote on the matter can be contacted through any available means (including all available telephonic, telegraphic, and other electronic means); and

iii. any credit extended by a Federal reserve bank pursuant to such action is payable upon demand of the Board.

B. The available members of the Board shall document in writing the determinations required by subparagraph (A)(ii), and such written findings shall be included in the record of the action and in the official minutes of the Board, and copies of such record shall be provided as soon as practicable to the members of the Board who were not available to participate in the action and to the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate and to the Chairman of the Committee on Financial Services of the House of Representatives.

[12 USC 248(r). As added by act of November 26, 2002 (116 Stat. 2340).]

理事會於理事成員人數不足時之職掌

(r)

1. 依本法規定採行之任何行動，應有聯準會理事 5 人之同意投票；理事不足 5 人時，應由採取行動當時現有之所有理事全體同意為之。

A. 聯準會依第 13 條第 3 項規定有權採取之所有行動，得由現有理事就下列事項全體同意為之，如－

i. 現有理事至少 2 位，且所有現有理事均須參與行動。

ii. 現有理事一致決定－

I. 在非常緊急情況下，借款人無法從其他管道獲得足夠的信用貸款；

II. 有必要對事件採取行動，以防止、糾正或減輕對美國經濟或金融體系之穩定造成嚴重危害；

III. 縱使用一切方法（包括所有可用的電話、電報及其他電子方式），仍無法與聯準會其他理事聯繫；

IV. 於進行表決之聯準會理事法定人數得透過任何可用之手段（包括所有可用的電話、電報及其他電子方式）聯繫前，即必須就事件採取行動；

iii. 聯邦儲備銀行依上述行動提供之任何貸款，均應符合聯準會之要求，始可支付。

B. 聯準會現有理事應以書面記錄依第（A）款第（ii）目規定所為之決策，其內容應包括聯準會之行動經過及正式會議紀錄；上述紀錄之副本應於切實可行之範圍內，儘速提供予未參與行動之理事、參議院銀行住房及城市事務委員會主席及眾議院金融服務委員會主席。

〔見美國法典第 12 編第 248(r)條。2002 年 11 月 26 日立法（法律輯錄第 116 冊第 2340 頁）增訂本項。〕

Federal Reserve Transparency and Release of Information

(s)

1. In general. In order to ensure the disclosure in a timely manner consistent with the purposes of this Act of information concerning the borrowers and counterparties participating in emergency credit facilities, discount window lending programs, and open market operations authorized or conducted by the Board or a Federal reserve bank, the Board of Governors shall disclose, as provided in paragraph (2)—
   A.the names and identifying details of each borrower, participant, or counterparty in any credit facility or covered transaction;
   B. the amount borrowed by or transferred by or to a specific borrower, participant, or counterparty in any credit facility or covered transaction;
   C. the interest rate or discount paid by each borrower, participant, or counterparty in any credit facility or covered transaction; and
   D. information identifying the types and amounts of collateral pledged or assets transferred in connection with participation in any credit facility or covered transaction.
2. Mandatory release date. In the case of—
   A.a credit facility, the Board shall disclose the information described in paragraph (1) on the date that is 1 year after the effective date of the termination by the Board of the authorization of the credit facility; and
   B. a covered transaction, the Board shall disclose the information described in paragraph (1) on the last day of the eighth calendar quarter following the calendar quarter in which the covered transaction was conducted.
3. Earlier release date authorized. The Chairman of the Board may publicly release the information described in paragraph (1) before the relevant date specified in paragraph (2), if the Chairman determines that such disclosure would be in the public interest and would not harm the effectiveness of the relevant credit facility or the purpose or conduct of covered transactions.
4. Definitions. For purposes of this subsection, the following definitions shall apply:
   A.Credit facility. The term "credit facility" has the same meaning as in section 714(f)(1)(A) of title 31, United States Code.
   B. Covered transaction. The term "covered transaction" means—
      i. any open market transaction with a nongovernmental third party conducted under the first undesignated paragraph of section 14 or subparagraph (a), (b), or (c) of the 2nd undesignated paragraph of such section, after the date of enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act; and

聯邦準備資訊之透明化及揭露

(s)

1. 原則上，為了確保有關貸款人及參與緊急信用貸款、貼現窗口貸款計畫及經聯準會或聯邦準備銀行授權或進行公開市場操作之交易對手之資訊，能依本法之目的即時揭露，聯準會應依第⑵項規定揭露－
   A.任何授信計畫或相關交易之各貸款人、參與者及交易對手之姓名及身分細節；
   B.任何授信計畫或相關交易之各貸款人、參與者及交易對手所借貸或轉讓之金額；
   C.任何授信計畫或相關交易之各貸款人、參與者及交易對手所支付之利率或貼現；
   D.任何授信計畫或相關交易所徵提之擔保品及移轉資產之類型及金額等資訊。
2. 於下列情況下，應依指定日期發布：
   A.前項所述應揭露之授信計畫資訊，應於聯準會終止該計畫之生效日起算 1 年屆滿之日揭露；
   B.前項所述應揭露之相關交易資訊，應於聯準會執行該交易當季起算至第八季之末日揭露。
3. 發布日期之提前。聯準會主席如認為其揭露符合公眾利益，且未對有關授信計畫之效力或相關交易之執行造成損害者，得於前款規定之有關日期前公布第⑴款所述的資訊。
4. 定義。為符合本款之目的，應適用下列定義：
   A.授信計畫。「授信」一詞與美國法典第 31 篇第 714（F）⑴（A）條之定義相同。
   B.相關交易。「相關交易」一詞係指：
      i. 於道特法蘭克華爾街改革暨消費者保護法施行日起，任何與民間依第 14 條第 1 項或第 2 項第(a)、(b)或(c)款所從事之公開市場交易；及

ii. any advance made under section 10B after the date of enactment of that Act.

5. Termination of credit facility by operation of law. A credit facility shall be deemed to have terminated as of the end of the 24-month period beginning on the date on which the credit facility ceases to make extensions of credit and loans, unless the credit facility is otherwise terminated by the Board before such date.

6. Consistent treatment of information. Except as provided in this subsection or section 13(3)(D), or in section 714(f)(3)(C) of title 31, United States Code, the information described in paragraph (1) and information concerning the transactions described in section 714(f) of such title, shall be confidential, including for purposes of section 552(b)(3) of title 5 of such Code, until the relevant mandatory release date described in paragraph (2), unless the Chairman of the Board determines that earlier disclosure of such information would be in the public interest and would not harm the effectiveness of the relevant credit facility or the purpose of conduct of the relevant transactions.

7. Protection of personal privacy. This subsection and section 13(3)(C), section 714(f)(3)(C) of title 31, United States Code, and subsection (a) or (c) of section 1109 of the Dodd-Frank Wall Street Reform and Consumer Protection Act shall not be construed as requiring any disclosure of nonpublic personal information (as defined for purposes of section 502 of the Gramm-Leach-Bliley Act (12 U.S.C. 6802)) concerning any individual who is referenced in collateral pledged or assets transferred in connection with a credit facility or covered transaction, unless the person is a borrower, participant, or counterparty under the credit facility or covered transaction.

8. Study of FOIA exemption impact.

A.Study. The Inspector General of the Board of Governors of the Federal Reserve System shall—

i. conduct a study on the impact that the exemption from section 552(b)(3) of title 5 (known as the Freedom of Information Act) established under paragraph (6) has had on the ability of the public to access information about the administration by the Board of Governors of emergency credit facilities, discount window lending programs, and open market operations; and

ii. make any recommendations on whether the exemption described in clause (i) should remain in effect.

ii. 於道特法蘭克華爾街改革暨消費者保護法施行日起，任何依第 10B 條規定所辦理之透支。

5. 授信計畫因法律生效而終止。授信計畫除經聯準會提前終止外，應於不再延長信用貸款之日起算 24 個月之屆滿日當然終止。

6. 資訊處理之一致性。除本款或第 13⑶（D）條或美國法典第 31 篇第 714（F）⑶(c)條另有規定者外，第⑴項所述資訊及上述第 714（F）條所述涉及交易之資訊，於第⑵項所述指定發布日前均應予保密，並應符合美國法典第 5 編第 552（B）⑶條規定之目的。但上述資訊，經聯準會主席於符合公眾利益且不損害有關授信計畫之效力或從事相關交易之目的下，決定提前予以揭露者，不在此限。

7. 個人隱私之保護。本款及第 13 條⑶（C）條、美國法典第 31 篇第 714（F）⑶(c)條及道特法蘭克華爾街改革暨消費者保護法第 1109 條(a)、(c)款規定，不得解釋為要求揭露任何關於授信計畫或相關交易所徵提之擔保品及移轉資產中所指涉非公開之個人資訊（符合金融業務現代化法法案（美國法典第 12 編第 6802 頁）第 502 條之定義）。但該個人如係該授信計畫或相關交易之貸款人、參與者或交易對手者，不在此限。

8. 資訊自由法豁免影響之研究。

A.研究。聯準會之督察長應—

i. 就本項第（6）款所定豁免適用該法（即資訊自由法）第 5 編第 552 條第(b)⑶款規定之事項，對於公眾取得有關聯準會從事緊急信貸、貼現窗口貸款計畫，及公開市場操作資訊之影響，進行研究；

ii. 就第（i）款所述豁免事項應否維持其效力提出建議。

B. Report. Not later than 30 months after the date of enactment of this section, the Inspector General of the Board of Governors of the Federal Reserve System shall submit a report on the findings of the study required under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and publish the report on the website of the Board.

9. Rule of construction. Nothing in this section is meant to affect any pending litigation or lawsuit filed under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act), on or before the date of enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

[12 USC 248(s). As added by act of July 21, 2010 (124 Stat. 2118).]

Assessments, Fees, and Other Charges for Certain Companies

[t](s)

1. In general. The Board shall collect a total amount of assessments, fees, or other charges from the companies described in paragraph (2) that is equal to the total expenses the Board estimates are necessary or appropriate to carry out the supervisory and regulatory responsibilities of the Board with respect to such companies.
2. Companies. The companies described in this paragraph are—
   A. all bank holding companies having total consolidated assets of $50,000,000,000 or more;
   B. all savings and loan holding companies having total consolidated assets of $50,000,000,000 or more; and
   C. all nonbank financial companies supervised by the Board under section 113 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

[12 USC 248(s). As added by act of July 21, 2010 (124 Stat. 1527).]

There are two subsections designated as (s), as enacted by act of July 21, 2010 (124 Stat. 1527, 2118); the second of these should probably be designated as subsection (t).

Section 11A. Pricing of Services

(a) Not later than the first day of the sixth month after the date of enactment of the Monetary Control Act of 1980, the Board shall publish for public comment a set of pricing principles in accordance with this section and a proposed schedule of fees based upon those principles for Federal Reserve bank services to depository institutions, and not later than the first day of the eighteenth month after the date of enactment of the Monetary Control Act of 1980, the Board shall begin to put into effect a schedule of fees for such services which is based on those principles.

(b) The services which shall be covered by the schedule of fees under subsection (a) are--

1. currency and coin services;

B.報告。於本條施行日起 30 個月內，聯準會督察長應向參議院銀行住宅及城市事務委員會及眾議院金融服務委員會提交一份前款所規定之研究結果報告。

9. 解釋法則。本條所定內容不影響於道特法蘭克華爾街改革暨消費者保護法施行日前已依美國法典（俗稱資訊自由法）第 5 編第 552 條所提出之任何尚在進行中之訴訟。

〔見美國法典第 12 編第 248(s)條。2010 年 7 月 21 日立法（法律輯錄第 124 冊第 2218 頁）增訂本項。〕

對於特定公司之收費評定、費用及其他收費

(t)(s)*

1. 原則上，聯準會應自第⑵項所稱之公司收取相當於經聯準會預估為執行其對於該等公司之監理責任所必要且適當之預算總額。
2. 公司。本項所稱「公司」係指－

A.任一合併資產總額達 500 億美元以上之銀行控股公司；

B.任一合併資產總額達 500 億美元以上之儲貸控股公司；

C.任一由聯準會依道特法蘭克華爾街改革暨消費者保護法第 113 條規定所監管之非銀行之金融公司。

〔見美國法典第 12 編第 248(s)條。2010 年 7 月 21 日立法（法律輯錄第 124 冊第 1527 頁）增訂。〕

＊2010 年 7 月 21 日立法（法律輯錄第 124 冊第 1527、2118 頁）編有兩款（s）；第 2 個（s）款似應編為（t）款。

第 11A 條　服務之定價

(a)聯準會應於 1980 年通貨控制法生效日後 5 個月內，依本條規定公告定價之原則，並依該原則為聯邦準備銀行對存款機構提供之服務，訂定價目表；且聯準會應於 1980 年通貨控制法生效日後 17 個月內，開始施行依該原則所定之服務費價目表。

(b)前項規定所指之服務費價目表應包含下列服務項目：

1.通貨及硬幣服務；

2. check clearing and collection services;
3. wire transfer services;
4. automated clearinghouse services;
5. settlement services;
6. securities safekeeping services;
7. Federal Reserve float; and
8. any new services which the Federal Reserve System offers, including but not limited to payment services to effectuate the electronic transfer of funds.

(c) The schedule of fees prescribed pursuant to this section shall be based on the following principles:

1. All Federal Reserve bank services covered by the fee schedule shall be priced explicitly.
2. All Federal Reserve bank services covered by the fee schedule shall be available to nonmember depository institutions and such services shall be priced at the same fee schedule applicable to member banks, except that nonmembers shall be subject to any other terms, including a requirement of balances sufficient for clearing purposes, that the Board may determine are applicable to member banks.
3. Over the long run, fees shall be established on the basis of all direct and indirect costs actually incurred in providing the Federal Reserve services priced, including interest on items credited prior to actual collection, overhead, and an allocation of imputed costs which takes into account the taxes that would have been paid and the return on capital that would have been provided had the services been furnished by a private business firm, except that the pricing principles shall give due regard to competitive factors and the provision of an adequate level of such services nationwide.
4. Interest on items credited prior to collection shall be charged at the current rate applicable in the market for Federal funds.

(d) The Board shall require reductions in the operating budgets of the Federal Reserve banks commensurate with any actual or projected decline in the volume of services to be provided by such banks. The full amount of any savings so realized shall be paid into the United States Treasury.

(e) All depository institutions, as defined in section 19(b)(1) (12 U.S.C. 461(b)(1)), may receive for deposit and as deposits any evidences of transaction accounts, as defined by section 19(b)(1) (12 U.S.C. 461(b)(1)) from other depository institutions, as defined in section 19(b)(1) (12 U.S.C. 461(b)(1)) or from any office of any Federal Reserve bank without regard to any Federal or State law restricting the number or the physical location or locations of such depository institutions.

[12 USC 248a. As added by acts of March 31, 1980 (94 Stat. 140) and Aug. 10, 1987 (101 Stat. 652).]

2. 票據交換與託收服務；
3. 電子調撥服務；
4. 自動票據交換服務；
5. 清算服務；
6. 證券保管服務；
7. 發行聯邦準備公債；及
8. 聯邦準備制度提供之新種服務項目，不限於電子資金調撥之支付服務。

(c)依本條規定所定之服務費價目表，應基於下列原則：

1. 服務費價目表上所列聯邦準備銀行之服務項目，應予明確訂價。
2. 前項服務項目適用於非要保存款機構，其計價方式應與適用於會員銀行之費率相同，但非會員銀行應適用聯準會認定得適用於會員銀行之其他條件，包括為清算目的要求其保留充足餘額者，不在此限。
3. 長期而言，聯邦準備服務費之計價應基於實際發生之直接及間接成本，包括實際收取前信用之利息、經常性開支及包括已支付稅賦之分攤及私人企業提供服務之資本報酬等，但定價原則應妥為考量競爭因素及提供該全國性服務之適當水準。
4. 實際收取前之利息，應依聯邦基金市場之現行利率計算。

(d)聯準會應隨聯邦準備銀行提供服務量實際或預計之減少，要求降低該銀行之營業預算。因此而實現之盈餘應繳回聯邦國庫。

(e)第 19(b)(1)條（美國法典第 12 編第 461(b)(1)條）定義之存款機構，得自該條定義之其他存款機構或聯邦準備銀行任何營業處所收受存款及該條所定義之交易帳戶證明之存款，而無須考慮聯邦法或州法對該存款機構家數或地理位置之限制。

〔見美國法典第 12 編第 248a 條。1980 年 3 月 31 日立法（法律輯錄第 94 冊第 140 頁）及 1987 年 8 月 10 日（法律輯錄第 101 冊第 652 頁）增訂本項。〕

Section 11B. Annual Independent Audits of Federal Reserve Banks and Board

The Board shall order an annual independent audit of the financial statements of each Federal reserve bank and the Board.

[12 USC 248b. As added by act of Nov. 12, 1999 (113 Stat. 1475).]

Section 12. Federal Advisory Council

1. Creation, Members, and Meetings

There is hereby created a Federal Advisory Council, which shall consist of as many members as there are Federal reserve districts. Each Federal reserve bank by its board of directors shall annually select from its own Federal reserve district one member of said council, who shall receive such compensation and allowances as may be fixed by his board of directors subject to the approval of the Board of Governors of the Federal Reserve System. The meetings of said advisory council shall be held at Washington, District of Columbia, at least four times each year, and oftener if called by the Board of Governors of the Federal Reserve System. The council may in addition to the meetings above provided for hold such other meetings in Washington, District of Columbia, or elsewhere, as it may deem necessary, may select its own officers and adopt its own methods of procedure, and a majority of its members shall constitute a quorum for the transaction of business. Vacancies in the council shall be filled by the respective reserve banks, and members selected to fill vacancies, shall serve for the unexpired term.

[12 USC 261. Part of original Federal Reserve Act; not amended.]

2. Powers

The Federal Advisory Council shall have power, by itself or through its officers, (1) to confer directly with the Board of Governors of the Federal Reserve System on general business conditions; (2) to make oral or written representations concerning matters within the jurisdiction of said board; (3) to call for information and to make recommendations in regard to discount rates, rediscount business, note issues, reserve conditions in the various districts, the purchase and sale of gold or securities by reserve banks, open-market operations by said banks, and the general affairs of the reserve banking system.

[12 USC 262. Part of original Federal Reserve Act; not amended.]

第 11B 條　聯邦準備銀行及聯準會之年度獨立審計

聯準會應就各聯邦準備銀行及聯準會之財務報表進行年度獨立審計。

〔見美國法典第 12 編第 248b 條。1999 年 11 月 12 日立法（法律輯錄第 113 冊第 1475 頁）增訂本項。〕

第 12 條　聯邦諮詢委員會

1. 成立、委員及會議

茲成立聯邦諮詢委員會，其應由與聯邦準備區數額相同之委員組成之。各聯邦準備銀行應由其董事會每年於其聯邦區內推舉委員會委員一人，其報酬及公費應由董事會提請聯準會核定之。該委員會每年至少應於哥倫比亞華盛頓特區，舉行會議 4 次，如由聯準會召集者，得舉行更多次會議。該委員會除上述規定之集會外，得於必要時，在哥倫比亞華盛頓特區或其他地點舉行其他會議，並得選舉其職員，及採行自訂之程序；其開會之法定人數，為全體委員之過半數始得進行會議。如有委員出缺，應由各該聯邦準備銀行推舉，繼任委員任職至前任任期屆滿為止。

〔見美國法典第 12 編第 261 條。為原法案部分條文，並無修正。〕

2. 職權

聯邦諮詢委員會得由其本身或經由其職員，⑴與聯準會直接會商一般市場狀況；⑵就有關聯準會職掌範圍，向聯準會提出口頭或書面意見；⑶對有關貼現率、重貼現業務、紙幣發行、各準備區之準備狀況、準備銀行之買賣黃金與證券、各準備銀行之公開市場操作及準備銀行制度之一般業務等事項，徵求資訊或提供建議。

〔見美國法典第 12 編第 262 條。為原法案部分條文，並無修正。〕

Section 12A. Federal Open Market Committee

Creation, Members, and Meetings

(a) There is hereby created a Federal Open Market Committee (hereinafter referred to as the "Committee"), which shall consist of the members of the Board of Governors of the Federal Reserve System and five representatives of the Federal Reserve banks to be selected as hereinafter provided. Such representatives shall be presidents or first vice presidents of Federal Reserve banks and, beginning with the election for the term commencing March 1, 1943, shall be elected annually as follows: One by the board of directors of the Federal Reserve Bank of New York, one by the boards of directors of the Federal Reserve Banks of Boston, Philadelphia, and Richmond, one by the boards of directors of the Federal Reserve Banks of Cleveland and Chicago, one by the boards of directors of the Federal Reserve Banks of Atlanta, Dallas, and St. Louis, and one by the boards of directors of the Federal Reserve Banks of Minneapolis, Kansas City, and San Francisco. In such elections each board of directors shall have one vote; and the details of such elections may be governed by regulations prescribed by the committee, which may be amended from time to time. An alternate to serve in the absence of each such representative shall likewise be a president or first vice president of a Federal Reserve bank and shall be elected annually in the same manner. The meetings of said committee shall be held at Washington, District of Columbia, at least four times each year upon the call of the chairman of the Board of Governors of the Federal Reserve System or at the request of any three members of the Committee.

[12 USC 263(a). As added by act of June 16, 1933 (48 Stat. 168); completely revised by act of Aug. 23, 1935 (49 Stat. 705); and further amended by act of July 7, 1942 (56 Stat. 647).]

Participation of Reserve Banks; Regulations of Committee

(b) No Federal Reserve bank shall engage or decline to engage in open-market operations under section 14 of this Act except in accordance with the direction of and regulations adopted by the Committee. The Committee shall consider, adopt, and transmit to the several Federal Reserve banks, regulations relating to the open-market transactions of such banks.

[12 USC 263(b). As added by act of June 16, 1933 (48 Stat. 168); and amended by act of Aug. 23, 1935 (49 Stat. 706).]

第 12A 條　聯邦公開市場委員會

成立、委員及會議

(a)茲成立聯邦公開市場委員會（以下簡稱委員會），應由聯準會理事及依下列規定由聯邦準備銀行代表 5 人組成之。該代表應為聯邦準備銀行之總經理或第一副總經理，且自 1943 年 3 月 1 日起，每年應依下述方式推舉之：一人由紐約聯邦準備銀行董事會推舉之、一人由波士頓、費城及里治萌等聯邦準備銀行董事會推舉之、一人由克里夫蘭及芝加哥等聯邦準備銀行董事會推舉之、一人由亞特蘭大、達拉斯及聖路易斯等聯邦準備銀行董事會推舉之，及一人由明尼雅波理斯、坎薩斯及舊金山等聯邦準備銀行董事會推舉之。於該選舉中，各董事會應有一投票權；該選舉之詳細辦法得由該委員會訂定規則辦理之，該規則並得隨時修正之；該代表缺席之替代人員，應為該聯邦準備銀行之總經理或第一副總經理，每年並應依同樣方式推舉之。該委員會每年至少應在哥倫比亞華盛頓特區舉行會議 4 次，由聯準會主席召集，或經該委員會委員 3 人之提議召集之。

〔見美國法典第 12 編第 263(a)條。1933 年 6 月 16 日立法（法律輯錄第 48 冊第 168 頁）增訂本項。1935 年 8 月 23 日立法（法律輯錄第 49 冊第 705 頁）修正全項；1942 年 7 月 7 日立法（法律輯錄第 56 冊第 647 頁）修正本項。〕

聯邦準備銀行之參加、委員會訂頒之規則

(b)聯邦準備銀行非依委員會之指示及依其所頒之規則，不得參加或拒絕參加第 14 條所定之公開市場操作。委員會應考慮制訂及送達予聯邦準備銀行有關各銀行公開市場操作之規則。

〔見美國法典第 12 編第 263(b)條。1933 年 6 月 16 日立法（法律輯錄第 48 冊第 168 頁）增訂本項。1935 年 8 月 23 日立法（法律輯錄第 49 冊第 705 頁）修正本項。〕

Governing Principles

(c) The time, character, and volume of all purchases and sales of paper described in section 14 of this Act as eligible for open-market operations shall be governed with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country.

[12 USC 263(c). As added by act of June 16, 1933 (48 Stat. 168); and reenacted without change by act of Aug. 23, 1935 (49 Stat. 706).]

Section 13. Powers of Federal Reserve Banks

1. Receipt of Deposits and Collections

Any Federal reserve bank may receive from any of its member banks, or other depository institutions, and from the United States, deposits of current funds in lawful money, national-bank notes, Federal reserve notes, or checks, and drafts, payable upon presentation, or other items, and also, for collection, maturing notes and bills; or, solely for purposes of exchange or of collection, may receive from other Federal reserve banks deposits of current funds in lawful money, national-bank notes, or checks upon other Federal reserve banks, and checks and drafts, payable upon presentation within its district, or other items, and maturing notes and bills payable within its district; or, solely for the purposes of exchange or of collection, may receive from any nonmember bank or trust company or other depository institution deposits of current funds in lawful money, national-bank notes, Federal reserve notes, checks and drafts payable upon presentation or other items, or maturing notes and bills: Provided, Such nonmember bank or trust company or other depository institution maintains with the Federal reserve bank of its district a balance in such amount as the Board determines taking into account items in transit, services provided by the Federal Reserve Bank, and other factors as the Board may deem appropriate; Provided further, That nothing in this or any other section of this Act shall be construed as prohibiting a member or nonmember bank or other depository institution from making reasonable charges, to be determined and regulated by the Board of Governors of the Federal Reserve System, but in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise; but no such charges shall be made against the Federal reserve banks.

決策原則

(c)本法第 14 條所定得於公開市場操作之合格證券買賣之時間、性質及數量，應受融通工商業之情形及有關全國一般信用狀況之影響所支配。

〔見美國法典第 12 編第 263(c)條。1933 年 6 月 16 日立法（法律輯錄第 48 冊第 168 頁）增訂本項。1935 年 8 月 23 日立法（法律輯錄第 49 冊第 705 頁）重新立法，但無修正。〕

第 13 條　聯邦準備銀行之權力

1. 收受存款及代收業務

聯邦準備銀行得收受其會員銀行或其他存款機構，及聯邦政府所存入之法定貨幣、聯邦註冊銀行發行之紙幣、或見票即付之支票或匯票等流動性資金，或為代收接受到期之本票、匯票；或得純為交換或代收，收受其他聯邦準備銀行所存入之法定貨幣、聯邦註冊銀行發行之紙幣、其他聯邦準備銀行付款之支票與在該區見票即付之支票及匯票、及由該區內付款之到期本票與匯票等流動性資金，或為交換或代收，得接受非會員銀行或信託公司或其他存款所存入之法定貨幣、聯邦註冊銀行發行之紙幣、聯邦準備券、見票即付之支票及匯票或到期之本票及匯票等流動性基金。但該非會員銀行、信託公司或其他存款機構在該區聯邦準備銀行之存款餘額應達聯準會規定之水準，惟其存款餘額應扣除未入帳款項、聯邦準備銀行提供服務之收費，及其他聯準會核定之項目；又本條或其他各條均不得解釋為禁止會員或非會員銀行或其他存款機構，依聯準會所定規則收取合理費用。但每百美元收費不得超過十分，並視其當時提出代收、代付、匯兌，或其他方式之支票或匯票總額而定。惟不得向聯邦準備銀行收取此項費用。

[12 USC 342. As amended by act of Sept. 7, 1916 (39 Stat. 752), which completely revised this section; June 21, 1917 (40 Stat. 234); and March 31, 1980 (94 Stat. 139). With respect to the receipt by Reserve Banks of checks and drafts on deposit, see also section 16.]

2. Discount of Commercial, Agricultural, and Industrial Paper

Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice and protest by such bank as to its own indorsement exclusively, any Federal reserve bank may discount notes, drafts, and bills of exchange arising out of actual commercial transactions; that is, notes, drafts, and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used, or are to be used, for such purposes, the Board of Governors of the Federal Reserve System to have the right to determine or define the character of the paper thus eligible for discount, within the meaning of this Act. Nothing in this Act contained shall be construed to prohibit such notes, drafts, and bills of exchange, secured by staple agricultural products, or other goods, wares, or merchandise from being eligible for such discount, and the notes, drafts, and bills of exchange of factors issued as such making advances exclusively to producers of staple agricultural products in their raw state shall be eligible for such discount; but such definition shall not include notes, drafts, or bills covering merely investments or issued or drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities, except bonds and notes of the government of the United States. Notes, drafts, and bills admitted to discount under the terms of this paragraph must have a maturity at the time of discount of not more than 90 days, exclusive of grace.

[12 USC 343. As amended by act of Sept. 7, 1916 (39 Stat. 752), which completely revised this section; and by act of March 4, 1923 (42 Stat. 1478). As used in this paragraph the phrase "bonds and notes of Government of the United States" includes Treasury bills or certificates of indebtedness. (See act of June 17, 1929, amending section 5 of Second Liberty Bond Act of Sept. 24, 1917). As to eligibility for discount under this paragraph of notes representing loans to finance building construction, see this act, section 24).]

3. Discounts for Individuals, Partnerships, and Corporations

A. In unusual and exigent circumstances, the Board of Governors of the Federal Reserve System, by the affirmative vote of not less than five members, may authorize any Federal reserve bank, during such periods as the said board may determine, at rates established in accordance with the provisions of section 14, subdivision (d), of this Act, to discount for any participant in any program or facility with broad-based eligibility, notes, drafts, and bills of exchange when such notes, drafts, and bills of exchange are indorsed or otherwise secured to the satisfaction of the Federal Reserve bank: Provided, That before discounting any such note, draft, or bill of exchange, the Federal reserve bank shall obtain evidence that such participant in any program or facility with broad-based eligibility is unable to secure adequate credit accommodations from other banking institutions. All such discounts for any participant in any program or facility with broad-based eligibility shall be subject to such limitations, restrictions, and regulations as the Board of Governors of the Federal Reserve System may prescribe.

〔見美國法典第 12 編第 342 條。經 1916 年 9 月 7 日立法（法律輯錄第 39 冊第 752 頁）修正全條；1917 年 6 月 21 日立法（法律輯錄第 40 冊第 234 頁）及 1980 年 3 月 31 日立法（法律輯錄第 94 冊第 139 頁）修正本項。關於聯邦準備銀行接受支票及匯票為存款之規定，參閱第 16 條。〕

2. 商業、農業及工業票據之貼現

聯邦準備銀行得對經會員銀行背書而認定各該銀行已完全放棄提示通知及做成拒絕證書之有實際商業交易行為之本票及匯票，予以貼現；即凡為農業、工業或商業目的，或其所得款項已用或將用於此目的，而簽發之本票或匯票，聯準會有權依據本法決定或限定合格貼現票據之性質。本法規定不應解釋為禁止以主要農作物，或其他貨物、物品，或商品為擔保品之本票及匯票，得為合格之貼現票據；而於主要農作物為收成前墊款予其生產者所簽發之本票及匯票，應亦為合格之貼現票據。但此項定義不應包括僅為投資，或為持有或買賣聯邦政府公債及國庫券以外之股票、債券，或其他投資性證券，而簽發之本票或匯票。依本項條件得貼現之本票及匯票，其到期日距離貼現日，扣除寬限日後，不得超過 90 天。

〔見美國法典第 12 編第 343 條。經 1916 年 9 月 7 日立法（法律輯錄第 39 冊第 752 頁）修正本條而全部修改之；1923 年 3 月 4 日立法（法律輯錄第 42 冊第 1478 頁）修正本項。本項所稱「美國政府之債券及鈔券」一詞，包括國庫票據或債務憑證（見 1929 年 6 月 17 日立法，修正 1917 年 9 月 24 日第二自由債券法第 5 條）。至於本款所定合格貼現對於表彰建築貸款之票據之適用，見本法第 24 條。〕

3. 為個人、合夥及公司辦理貼現

A. 聯準會於特殊緊急情況，經理事 5 人以上之贊成票，得授權任一聯邦準備銀行於聯準會所定期間，依第 14 條第(d)項所定利率，為個人、合夥或公司就合於本法其他條文有關會員銀行貼現之規定所定相同種類及期限，而經背書或提供聯邦準備銀行認可擔保之本票及匯票，辦理貼現。但於為各該個人、合夥或公司辦理貼現前，聯邦準備銀行應取得各該個人、合夥或公司未能自其他銀行獲得適當信用融資之證據。此項所定為個人、合夥或公司辦理之貼現，均應遵守聯準會所發布之規則與限制規定。

B.

i. As soon as is practicable after the date of enactment of this subparagraph, the Board shall establish, by regulation, in consultation with the Secretary of the Treasury, the policies and procedures governing emergency lending under this paragraph. Such policies and procedures shall be designed to ensure that any emergency lending program or facility is for the purpose of providing liquidity to the financial system, and not to aid a failing financial company, and that the security for emergency loans is sufficient to protect taxpayers from losses and that any such program is terminated in a timely and orderly fashion. The policies and procedures established by the Board shall require that a Federal reserve bank assign, consistent with sound risk management practices and to ensure protection for the taxpayer, a lendable value to all collateral for a loan executed by a Federal reserve bank under this paragraph in determining whether the loan is secured satisfactorily for purposes of this paragraph.

ii. The Board shall establish procedures to prohibit borrowing from programs and facilities by borrowers that are insolvent. Such procedures may include a certification from the chief executive officer (or other authorized officer) of the borrower, at the time the borrower initially borrows under the program or facility (with a duty by the borrower to update the certification if the information in the certification materially changes), that the borrower is not insolvent. A borrower shall be considered insolvent for purposes of this subparagraph, if the borrower is in bankruptcy, resolution under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act, or any other Federal or State insolvency proceeding.

iii. A program or facility that is structured to remove assets from the balance sheet of a single and specific company, or that is established for the purpose of assisting a single and specific company avoid bankruptcy, resolution under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act, or any other Federal or State insolvency proceeding, shall not be considered a program or facility with broad-based eligibility.

iv. The Board may not establish any program or facility under this paragraph without the prior approval of the Secretary of the Treasury.

C. The Board shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

i. not later than 7 days after the Board authorizes any loan or other financial assistance under this paragraph, a report that includes—

I. the justification for the exercise of authority to provide such assistanc;

B.

i. 於本款規定施行後，聯準會應經洽商財政部長意見，透過法規制訂本項所定緊急借貸之監理政策與程序。該政策及程序之訂定，應確保緊急借貸方案及措施係為提供金融體系流動性，而非為資助不良金融機構之目的而設；緊急借貸之擔保須足以保障納稅人免於損失；此一方案之終止應及時且有秩序。聯準會制訂之監理政策與程序，應規範聯邦準備銀行對其依本項規定辦理貸款所徵提之擔保品，認定其價值有無達到本項規範目的之足額擔保時，應遵循適當的風險管理規範，並確實保障納稅人。

ii. 聯準會應制訂程序，禁止無力清償之借款人之借款計畫及措施。該程序得包括要求借款人提出其最高首長（或其他有權幹部）之憑證（憑證資訊嗣後如有重大變更，應即時更新），證明借款人於提出借款計畫及措施時，非屬無力清償者。借款人如依道特法蘭克華爾街改革暨消費者保護法第二編或其他聯邦或州所定之破產程序經認定為破產者，應依本規範目的認屬無力清償之對象。

iii. 任何以移除單一特定公司資產負債表上之資產為架構，或以資助該公司免於破產之目的所規劃之貸款計畫或措施，按照道特法蘭克華爾街改革暨消費者保護法第 2 編或其他聯邦或州所定之破產程序之決議，均不得被視為係具有廣泛基礎的合格計畫或措施。

iv. 未經財政部長事先許可，聯準會不得依本項規定訂定任何計畫或措施。

C. 聯準會應依下列規定提供報告予參議院銀行、住宅及城市事務委員會及眾議院金融服務委員會：

i. 應於依本款許可任何貸款或其他財務資助後 7 日內，提出包括下列事項之報告：

I. 許可提供上述貸款之正當理由；

II. the identity of the recipients of such assistance;
III. the date and amount of the assistance, and form in which the assistance was provided; and
IV. the material terms of the assistance, including—
aa.duration;
bb. collateral pledged and the value thereof;
cc.all interest, fees, and other revenue or items of value to be received in exchange for the assistance;
dd.any requirements imposed on the recipient with respect to employee compensation, distribution of dividends, or any other corporate decision in exchange for the assistance; and
ee. the expected costs to the taxpayers of such assistance; and
ii. once every 30 days, with respect to any outstanding loan or other financial assistance under this paragraph, written updates on—
I. the value of collateral;
II. the amount of interest, fees, and other revenue or items of value received in exchange for the assistance; and
III.the expected or final cost to the taxpayers of such assistance.

D. The information required to be submitted to Congress under subparagraph (C) related to—
i. the identity of the participants in an emergency lending program or facility commenced under this paragraph;
ii. the amounts borrowed by each participant in any such program or facilit;
iii.identifying details concerning the assets or collateral held by, under, or in connection with such a program or facility, shall be kept confidential, upon the written request of the Chairman of the Board, in which case such information shall be made available only to the Chairpersons or Ranking Members of the Committees described in subparagraph (C).

E. If an entity to which a Federal reserve bank has provided a loan under this paragraph becomes a covered financial company, as defined in section 201 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, at any time while such loan is outstanding, and the Federal reserve bank incurs a realized net loss on the loan, then the Federal reserve bank shall have a claim equal to the amount of the net realized loss against the covered entity, with the same priority as an obligation to the Secretary of the Treasury under section 210(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

II. 貸款對象之身分；
III.貸款之日期、金額及形式；
IV.貸款之重要條件，包括－
aa.貸款期間；
bb.抵押品及其價值；
cc.所有利息、費用、其他收入及任何對價；
dd.加諸於貸款對象之任何有關僱員補償、分配股利或任何其他企業決策之要求；
ee.貸款對納稅人產生的預期成本；
ii. 應每隔 30 天就任何依本款承作、尚未還清之貸款或其他財務資助，以書面更新下列事項：
I. 抵押品之價值；
II. 利息、費用、其他收入及任何對價之金額；
III.貸款預期對納稅人產生之最終成本。

D.依前款規定須提交國會以下之資訊：
i. 依本款所進行之緊急貸款計畫或措施之參與者身分；
ii. 各參與者之貸款金額；
iii. 查驗有關依照上述計畫或措施所持有之資產或抵押品之詳細情形，應予保密；經聯準會主席書面要求，上述資訊應僅得提供予前款所述委員會主席或高階成員。

E.經聯邦準備銀行提供貸款之任何法人，依道特法蘭克華爾街改革暨消費者保護法第 201 條規定成為涵蓋財務公司者，其貸款一旦有未償還並造成聯邦準備銀行實現淨虧損之情形者，聯邦準備銀行應有與財政部長依道特法蘭克華爾街改革暨消費者保護法第 210（B）應盡之相同義務，優先向該公司索賠上述淨虧損。

[12 USC 343. As added by act of July 21, 1932 (47 Stat. 715); and amended by acts of Aug. 23, 1935 (49 Stat. 714); Dec. 19, 1991 (105 Stat. 2386); and July 21, 2010 (124 Stat. 2113). As enacted by Public Law 111-203 (124. Stat. 2115), "any reference in any provision of Federal law to the third undesignated paragraph of section 13 of the Federal Reserve Act [FRA] (12 USC 343) shall be deemed to be a reference to section 13(3) of the FRA."]

4. Discount or Purchase of Sight Drafts

Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, and subject to regulations and limitations to be prescribed by the Board of Governors of the Federal Reserve System, any Federal reserve bank may discount or purchase bills of exchange payable at sight or on demand which grow out of the domestic shipment or the exportation of nonperishable, readily marketable agricultural and other staples and are secured by bills of lading or other shipping documents conveying or securing title to such staples: Provided, That all such bills of exchange shall be forwarded promptly for collection, and demand for payment shall be made with reasonable promptness after the arrival of such staples at their destination: Provided further, that no such bill shall in any event be held by or for the account of a Federal reserve bank for a period in excess of ninety days. In discounting such bills Federal reserve banks may compute the interest to be deducted on the basis of the estimated life of each bill and adjust the discount after payment of such bills to conform to the actual life thereof.

[12 USC 344. As added by act of March 4, 1923 (42 Stat. 1479); and amended by act of May 29, 1928 (45 Stat. 975).]

5. Limitation on Discount of Paper of One Borrower

The aggregate of notes, drafts, and bills upon which any person, copartnership, association, or corporation is liable as maker, acceptor, indorser, drawer, or guarantor, rediscounted for any member bank, shall at no time exceed the amount for which such person, copartnership, association, or corporation may lawfully become liable to a national banking association under the terms of section 5200 of the Revised Statutes, as amended: Provided, however, That nothing in this paragraph shall be construed to change the character or class of paper now eligible for rediscount by Federal reserve banks.

[12 USC 345. As reenacted without change by act of March 3, 1915 (38 Stat. 958); and amended by act of Sept. 7, 1916 (39 Stat. 752), which completely revised this section; and by act of April 12, 1930 (46 Stat. 162).]

〔見美國法典第 12 編第 343 條。經 1932 年 7 月 21 日立法（法律輯錄第 47 冊第 715 頁）增訂本項；1935 年 8 月 23 日立法（法律輯錄第 49 冊第 714 頁）、2010 年 7 月 21 日立法（法律輯錄第 124 冊第 2113 頁）修正本項。公眾法（法律輯錄第 124 冊第 2113 頁）制定，「聯邦法規定所稱美國聯邦準備法（FRA）第 13 條第 3 段（法律輯錄第 12 冊第 343 頁）應係指 FRA 第 13 (3)條」〕

4. 貼現或購買即期匯票

聯邦準備銀行得貼現或購買經會員銀行背書，且認定該銀行已放棄提示、通知及作成拒絕證書，並依照聯準會所定規則及限制而產生於國內運輸或輸出國外之不易損壞及已製成而能出售之農作物或其他主要物品，並附有貨運提單或其他能代表此項主要物品所有權之運輸憑證為擔保之見票即付或即期匯票。但此項匯票應立即託收，且提示收款亦應於該項主要物品到達目的地後，以合理速度完成之。聯邦準備銀行不得持有該匯票逾 90 日。聯邦準備銀行於辦理貼現時，得預估各匯票之期間，以計算應扣之利息，而於實際收款時，按實際期間調整之。

〔見美國法典第 12 編第 344 條。1923 年 3 月 4 日（法律輯錄第 42 冊第 1479 頁）增訂本項；1928 年 5 月 29 日立法（法律輯錄第 45 冊第 975 頁）修正本項。〕

5. 對同一借款人票據貼現額之限制

會員銀行對同一自然人、合夥、社團或公司為發票人、承兌人、背書人或保證人之本票及匯票之重貼現總額，不得超過該自然人、合夥、社團或公司依「修正法律」第 5200 條所定其得合法對任一聯邦註冊銀行所負債務之數額。但本條不應解釋為改變目前得向聯邦準備銀行辦理重貼現之合格票據之性質或種類。

〔見美國法典第 12 編第 345 條。1915 年 3 月 3 日立法（法律輯錄第 38 冊第 958 頁）重新立法，但無修正；1916 年 9 月 7 日立法（法律輯錄第 39 冊第 752 頁）修正本條而全部修改之；1930 年 4 月 12 日立法（法律輯錄第 46 冊第 162 頁）修正本項。〕

6. Discount of Acceptances

Any Federal reserve bank may discount acceptances of the kinds hereinafter described, which have a maturity at the time of discount of not more than 90 days' sight, exclusive of days of grace, and which are indorsed by at least one member bank: Provided, That such acceptances if drawn for an agricultural purpose and secured at the time of acceptance by warehouse receipts or other such documents conveying or securing title covering readily marketable staples may be discounted with a maturity at the time of discount of not more than six months' sight exclusive of days of grace.

[12 USC 346. As amended by act of March 3, 1915 (38 Stat. 958); by act of Sept. 7, 1916 (39 Stat. 752), which completely revised this section; and by act of March 4, 1923 (42 Stat. 1479).]

7. Banker's Acceptances

A. Any member bank and any Federal or State branch or agency of a foreign bank subject to reserve requirements under section 7 of the International Banking Act of 1978 (hereinafter in this paragraph referred to as " institutions"), may accept drafts or bills of exchange drawn upon it having not more than six months' sight to run, exclusive of days of grace--
   i. which grow out of transactions involving the importation or exportation of goods;
   ii. which grow out of transactions involving the domestic shipment of goods; or
   iii. which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples.

B. Except as provided in subparagraph (C), no institution shall accept such bills, or be obligated for a participation share in such bills, in an amount equal at any time in the aggregate to more than 150 per centum of its paid up and unimpaired capital stock and surplus or, in the case of a United States branch or agency of a foreign bank, its dollar equivalent as determined by the Board under subparagraph (H).

C. The Board, under such conditions as it may prescribe, may authorize, by regulation or order, any institution to accept such bills, or be obligated for a participation share in such bills, in an amount not exceeding at any time in the aggregate 200 per centum of its paid up and unimpaired capital stock and surplus or, in the case of a United States branch or agency of a foreign bank, its dollar equivalent as determined by the Board under subparagraph (H).

6. 承兌匯票之貼現

聯邦準備銀行得對扣除寬限日後，自貼現日起算距到期日不超過 90 日，且經一家會員銀行以上背書之見票即付之承兌匯票辦理貼現。但因農業目的而產生之承兌匯票，於承兌時有倉單或其他代表即可出售主要農作物所有權之憑證為擔保者，如扣除寬限日後於六個月內見票即付，亦得予以貼現。

〔見美國法典第 12 編第 346 條。1915 年 3 月 3 日立法（法律輯錄第 38 冊第 958 頁）修正；1916 年 9 月 7 日立法（法律輯錄第 39 冊第 752 頁）修正本條而全部修改之；1923 年 3 月 4 日立法（法律輯錄第 42 冊第 1479 頁）修正本項。〕

7. 會員銀行之承兌

A. 會員銀行及依據 1978 年國際銀行法第 7 條規定應提存準備金之外國銀行之聯邦或州註冊分行或辦事處（以下簡稱「機構」），得承兌下列扣除寬限期 6 個月內見票即付之匯票：
   i. 因涉及輸出入貨物交易而產生者；
   ii. 因涉及國內貨物運輸交易而產生者；或
   iii. 承兌時附有倉單或其他代表能立即出售主要物品所有權憑證之擔保者。

B. 除第（C）款之規定外，機構承兌上述匯票或有義務參加承兌之數額，不得超過其實收且未受損資本及盈餘之 150%，或如為外國銀行之在美分行或辦事處，則不得超過第（H）款聯準會所定之數額。

C. 聯準會得依其所定條件，以規則或命令授權機構承兌上述匯票或有義務參加承兌之數額，不得超過該機構實收且未受損資本及盈餘之 200%，或如為外國銀行之在美分行或辦事處則不得超過第（H）款聯準會所定之數額。

D. Notwithstanding subparagraphs (B) and (C), with respect to any institution, the aggregate acceptances, including obligations for a participation share in such acceptances, growing out of domestic transactions shall not exceed 50 per centum of the aggregate of all acceptances, including obligations for a participation share in such acceptances, authorized for such institution under this paragraph.

E. No institution shall accept bills, or be obligated for a participation share in such bills, whether in a foreign or domestic transaction, for any one person, partnership, corporation, association or other entity in an amount equal at any time in the aggregate to more than 10 per centum of its paid up and unimpaired capital stock and surplus, or, in the case of a United States branch or agency of a foreign bank, its dollar equivalent as determined by the Board under subparagraph (H), unless the institution is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance.

F. With respect to an institution which issues an acceptance, the limitations contained in this paragraph shall not apply to that portion of an acceptance which is issued by such institution and which is covered by a participation agreement sold to another institution.

G. In order to carry out the purposes of this paragraph, the Board may define any of the terms used in this paragraph, and, with respect to institutions which do not have capital or capital stock, the Board shall define an equivalent measure to which the limitations contained in this paragraph shall apply.

H. Any limitation or restriction in this paragraph based on paid-up and unimpaired capital stock and surplus of an institution shall be deemed to refer, with respect to a United States branch or agency of a foreign bank, to the dollar equivalent of the paid-up capital stock and surplus of the foreign bank, as determined by the Board, and if the foreign bank has more than one United States branch or agency, the business transacted by all such branches and agencies shall be aggregated in determining compliance with the limitation or restriction.

[Formerly 12 USC 372, as amended by act of March 3, 1915 (38 Stat. 958); by act of Sept. 7, 1916 (39 Stat. 752), which completely revised this section; and by acts of June 21, 1917 (40 Stat. 235) and Oct. 8, 1982 (96 Stat. 1239). Omitted from the U.S. Code.]

D.縱有第（B）款及第（C）款之規定，有關機構之包括參加承兌義務之承兌總額，因國內交易而產生者，不得超過包括依本項規定授權得參加承兌義務之承兌總額之 50%。

E.機構為同一自然人、合夥、公司、社團或其他團體承兌或有義務參加承兌之國內外交易匯票總額，不得超過其實收且未受損資本及盈餘之 10%，或如為外國銀行之在美分行或辦事處，則不得超過第（H）款聯準會所定數額。但該機構於承兌時若有跟單或有來自同一交易之其他實際擔保品作為擔保者，不在此限。

F.有關本項對機構承兌所作之額度限制，應不適用於由該機構承兌但經協議出售予其他機構之部分。

G.為達成本項目標，聯準會得規定本項各有關條件，及就無資本或股票之機構，界定本項所定應適用額度之標準。

H.本項根據機構實收且未受損資本及盈餘所定之限額或限制，就外國銀行之在美分行或辦事處言，應指聯準會所定之該外國銀行實收資本及盈餘之等值美元；如該外國銀行有一家以上在美分行或辦事處，於決定其額度或限制時，應將全部分行及辦事處所從事之交易合併計算之。

〔見美國法典第 12 編第 372 條。1915 年 3 月 3 日立法（法律輯錄第 38 冊第 958 頁）修正；1916 年 9 月 7 日立法（法律輯錄第 39 冊第 752 頁）全項修正；1917 年 6 月 21 日立法（法律輯錄第 40 冊第 235 頁）、1982 年 10 月 8 日立法（法律輯錄第 96 冊第 1239 頁）修正本項。〕

8. Advances to Member Banks on Promissory Notes

Any Federal reserve bank may make advances for periods not exceeding fifteen days to its member banks on their promissory notes secured by the deposit or pledge of bonds, notes, certificates of indebtedness, or Treasury bills of the United States, or by the deposit or pledge of debentures or other such obligations of Federal intermediate credit banks which are eligible for purchase by Federal reserve banks under section 13a of this Act, or by the deposit or pledge of bonds issued under the pro visions of subsection (c) of section 4 of the Home Owners' Loan Act of 1933, as amended; and any Federal reserve bank may make advances for periods not exceeding ninety days to its member banks on their promissory notes secured by such notes, drafts, bills of exchange, or bankers' acceptances as are eligible for rediscount or for purchase by Federal reserve banks under the provisions of this Act, or secured by such obligations as are eligible for purchase under section 14(b) of this Act. All such advances shall be made at rates to be established by such Federal reserve banks, such rates to be subject to the review and determination of the Board of Governors of the Federal Reserve System. If any member bank to which any such advance has been made shall, during the life or continuance of such advance, and despite an official warning of the reserve bank of the district or of the Board of Governors of the Federal Reserve System to the contrary, increase its outstanding loans secured by collateral in the form of stocks, bonds, debentures, or other such obligations, or loans made to members of any organized stock exchange, investment house, or dealer in securities, upon any obligation, note, or bill, secured or unsecured, for the purpose of purchasing and/or carrying stocks, bonds, or other investment securities (except obligations of the United States) such advance shall be deemed immediately due and payable, and such member bank shall be ineligible as a borrower at the reserve bank of the district under the provisions of this paragraph for such period as the Board of Governors of the Federal Reserve System shall determine: Provided, That no temporary carrying or clearance loans made solely for the purpose of facilitating the purchase or delivery of securities offered for public subscription shall be included in the loans referred to in this paragraph.

[12 USC 347. As added by act of Sept. 7, 1916 (39 Stat. 753), which completely revised this section; and amended by acts of May 19, 1932 (47 Stat. 160); May 12, 1933 (48 Stat. 46); June 16, 1933 (48 Stat. 180); Jan. 31, 1934 (48 Stat. 348); April 27, 1934 (48 Stat. 646); Oct. 4, 1961 (75 Stat. 773); and Sept. 21, 1968 (82 Stat. 856).]

9. Aggregate Liabilities of National Banks

Repealed by act of Oct. 15, 1982 (96 Stat. 1510).

8. 對會員銀行之本票辦理墊款

聯邦準備銀行得對其會員銀行之本票辦理期限不超過 15 日之墊款，惟應有提存或設質之聯邦政府公債、債券憑證、國庫券，或提存或設質之聯邦中期信用銀行之債券或其他得由聯邦準備銀行根據第 13a 條規定購入之債務，或提存或設質之依據經修正之 1933 年國民購屋貸款法第 4 條第（C）項規定所發行之債券為擔保。聯邦準備銀行得對其會員銀行之本票辦理期限不超過 90 日之墊款，惟應有本法所定得由聯邦準備銀行重貼現或購入之合格本票、匯票或銀行承兌匯票，或符合第 14(b)條所定可購入之債務為擔保。前述墊款利率應由各聯邦準備銀行擬訂，並應經聯準會審定。如曾獲此項墊款之會員銀行於墊款存續期間，未理會聯邦準備銀行或聯準會之反對警示，仍增加以購存股票、債券或其他證券投資為目的（聯邦政府債券除外）之以股票、債券或其他相同債務為擔保之放款，或增加對任一證券交易所之會員、投資商號或證券交易商放款而不論有無擔保品收受其本票或匯票者，該墊款應視為立即到期及應償還，且該會員銀行於聯準會所定期間內不得依本項規定向該區聯邦準備銀行借款。但為便利購買及交付公開發行證券之目的所為之臨時或清算放款，不包括在本項所述之放款內。

〔見美國法典第 12 編第 347 條。1916 年 9 月 7 日立法（法律輯錄第 39 冊第 753 頁）增訂本條而全部修改之；1932 年 5 月 19 日立法（法律輯錄 47 冊第 160 頁）、1933 年 6 月 16 日立法（法律輯錄第 48 冊第 180 頁）、1934 年 1 月 31 日立法（法律輯錄第 48 冊第 348 頁）、1934 年 4 月 27 日立法（法律輯錄第 48 冊第 646 頁）、1961 年 10 月 4 日立法（法律輯錄第 75 冊第 773 頁）及 1968 年 9 月 21 日立法（法律輯錄第 82 冊第 856 頁）修正本項。〕

9. 聯邦註冊銀行之負債總額

〔1982 年 10 月 15 日立法（法律輯錄第 96 冊第 1510 頁）刪除。〕

10. Regulation by Board of Governors of Discounts, Purchases and Sales

The discount and rediscount and the purchase and sale by any Federal reserve bank of any bills receivable and of domestic and foreign bills of exchange, and of acceptances authorized by this Act, shall be subject to such restrictions, limitations, and regulations as may be imposed by the Board of Governors of the Federal Reserve System.

[Omitted from U.S. Code. As amended by act of Sept. 7, 1916 (39 Stat. 753), which completely revised this section.]

11. National Banks as Insurance Agents or Real Estate Loan Brokers

That in addition to the powers now vested by law in national banking associations organized under the laws of the United States any such association located and doing business in any place the population of which does not exceed five thousand inhabitants, as shown by the last preceding decennial census, may, under such rules and regulations as may be prescribed by the Comptroller of the Currency, act as the agent for any fire, life, or other insurance company authorized by the authorities of the State in which said bank is located to do business in said State, by soliciting and selling insurance and collecting premiums on policies issued by such company; and may receive for services so rendered such fees or commissions as may be agreed upon between the said association and the insurance company for which it may act as agent; and may also act as the broker or agent for others in making or procuring loans on real estate located within one hundred miles of the place in which said bank may be located, receiving for such services a reasonable fee or commission: Provided, however, That no such bank shall in any case guarantee either the principal or interest of any such loans or assume or guarantee the payment of any premium on insurance policies issued through its agency by its principal: And provided further, That the bank shall not guarantee the truth of any statement made by an assured in filing his application for insurance.

[Omitted from U.S. Code. As added by act of Sept. 7, 1916 (39 Stat. 753), which completely revised this section.]

12. Bank Acceptances to Create Dollar Exchange

Any member bank may accept drafts or bills of exchange drawn upon it having not more than three months' sight to run, exclusive of days of grace, drawn under regulations to be prescribed by the Board of Governors of the Federal Reserve System by banks or bankers in foreign countries or dependencies or insular possessions of the United States for the purpose of furnishing dollar exchange as required by the usages of trade in the respective countries, dependencies, or insular possessions. Such drafts or bills may be acquired by Federal reserve banks in such amounts and subject to such regulations, restrictions, and limitations as may be prescribed by the Board of Governors of the Federal Reserve System: Provided, however, That no member bank shall accept such drafts or bills of exchange referred to 1 this paragraph for any one bank to an amount exceeding in the aggregate ten per centum of the paid-up and unimpaired capital and surplus of the accepting bank unless the draft or bill of exchange is accompanied by documents conveying or securing title or by some other adequate security: Provided further, That no member bank shall accept such drafts or bills in an amount exceeding at any time the aggregate of one-half of its paid-up and unimpaired capital and surplus.

10.聯準會所定有關貼現及買賣之規則

聯邦準備銀行辦理有關本法授權之各種應收票據、國內外匯票及承兌匯票之貼現、重貼現及買賣，均應依聯準會所定規則及限制辦理。

〔美國法典未刊載本條。1916 年 9 月 7 日立法（法律輯錄第 39 冊第 753 頁）修正本條而全部修改之。〕

11.聯邦註冊銀行擔任保險代理人或不動產經紀人

依據聯邦政府法律所組成之聯邦註冊銀行，除享有現行法律授權之權力外，凡其營業所在地之居住民依最近十年一次之人口普查，不超過 5000 人者，得依據通貨監理局長所定法規擔任火災、人壽或該銀行所在地州管理當局所核准之其他保險公司之代理人，招攬及出售保單，及按各該保險公司所發保險單代收保費；並得收取各該銀行與其所代理之保險公司所約定之費用或佣金；並得於其營業所在地一百英里範圍內，代理或經理不動產借款，並收取合理之服務費用及佣金。但各該銀行對其代理保險公司所發出之保單，不得保證此等保單借款之本息償付，亦不得承擔或保證保費之繳付；各該銀行亦不得保證要保人於投保申請書中所陳述者為誠實無誤。

〔美國法典未刊載本條。1916 年 9 月 7 日立法（法律輯錄第 39 冊第 753 頁）增訂本條而全部修改之。〕

12.銀行為創造美元外匯而承兌匯票

會員銀行得對其擔任付款之期限扣除寬限期不超過 3 個月之依據聯準會所定規則，由外國或美國之保護國或各島屬地之銀行或銀行業者，為供各該外國或保護國之各島屬地貿易所需之美元外匯而簽發之匯票辦理承兌。聯邦準備銀行得依據聯準會所定有關數額及限制之規定購入上述匯票。但會員銀行對同一銀行承兌上述匯票，除該匯票有代表所有權之憑證或其他相當之擔保外，得超過該承兌銀行實施且未受損資本及盈餘合計之 10%；又承兌上述匯票之總額，無論何時均不得超過實收且未受損資本及盈餘合計之半數。

[Formerly 12 USC 373, as added by act of Sept. 7, 1916 (39 Stat. 754), which completely revised this section. Not codified to the Federal Reserve Act. Omitted from the U. S. Code.]

13. Advances to Individuals, Partnerships, and Corporations on Obligations of United States

Subject to such limitations, restrictions and regulations as the Board of Governors of the Federal Reserve System may prescribe, any Federal reserve bank may make advances to any individual, partnership or corporation on the promissory notes of such individual, partnership or corporation secured by direct obligations of the United States or by any obligation which is a direct obligation of, or fully guaranteed as to principal and interest by, any agency of the United States. Such advances shall be made for periods not exceeding 90 days and shall bear interest at rates fixed from time to time by the Federal reserve bank, subject to the review and determination of the Board of Governors of the Federal Reserve System.

[12 USC 347c. As added by act of March 9, 1933 (48 Stat. 7) and amended by act of Sept. 21, 1968 (82 Stat. 856).]

14.Receipt of Deposits from, Discount Paper Endorsed by, and Advances to Foreign Banks

Subject to such restrictions, limitations, and regulations as may be imposed by the Board of Governors of the Federal Reserve System, each Federal Reserve bank may receive deposits from, discount paper endorsed by, and make advances to any branch or agency of a foreign bank in the same manner and to the same extent that it may exercise such powers with respect to a member bank if such branch or agency is maintaining reserves with such Reserve bank pursuant to section 7 of the International Banking Act of 1978. In exercising any such powers with respect to any such branch or agency, each Federal Reserve bank shall give due regard to account balances being maintained by such branch or agency with such Reserve bank and the proportion of the assets of such branch or agency being held as reserves under section 7 of the International Banking Act of 1978. For the purposes of this paragraph, the terms "branch", "agency", and "foreign bank" shall have the same meanings assigned to them in section 1 of the International Banking Act of 1978.

[12 USC 347d. As added by act of Sept. 17, 1978 (92 Stat. 621).]

〔見美國法典第 12 編第 373 條。1916 年 9 月 7 日立法（法律輯錄第 39 冊第 754 頁）增訂本條而全部修改之。〕

13.以美國政府債務為擔保品而墊款予個人、合夥及公司

聯邦準備銀行得依聯準會所定規則及限制，對個人、合夥或公司所簽發以聯邦政府直接債務，或聯邦政府機構之直接債務或由其擔保本息之債務為擔保之本票，墊款予該個人、合夥或公司。上述墊款期限不得超過 90 日，並應依聯邦準備銀行所定經聯準會審定之利率計息。

〔見美國法典第 12 編第 347c 條。1933 年 3 月 9 日立法（法律輯錄第 48 冊第 7 頁）增訂本項；1968 年 9 月 21 日立法（法律輯錄 82 冊第 856 頁）修正本項。〕

14.收受外國銀行之存款、對外國銀行背書之票據辦理貼現及墊款予外國銀行

聯邦準備銀行得依據聯準會所定之規則及限額，對依據 1978 年國際銀行法第 7 條規定提存準備金於該準備銀行之外國銀行之分行或辦事處，以對會員銀行相同方式及相同限制，收受其存款，並對經其背書之票據辦理貼現及對其墊款。聯邦準備銀行於對任一該等分行或辦事處實行上述權力時，應適當注意該分行或辦事處於該準備銀行所開帳戶餘額，及該分行或辦事處應依本編第 3105 條所提存準備金之資產比例。本項所稱「分行」、「辦事處」及「外國銀行」應與 1978 年國際銀行法第 7 條所定義之意義相同。

〔見美國法典第 12 編第 347d 條。1978 年 9 月 17 日立法（法律輯錄第 92 冊第 621 頁）增訂本項。〕

Section 13A. Discount of Agricultural Paper

1. Authority of Federal Reserve Banks to Discount Agricultural Paper

Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, any Federal reserve bank may, subject to regulations and limitations to be prescribed by the Board of Governors of the Federal Reserve System, discount notes, drafts, and bills of exchange issued or drawn for an agricultural purpose, or based upon live stock, and having a maturity, at the time of discount, exclusive of days of grace, not exceeding nine months, and such notes, drafts, and bills of exchange may be offered as collateral security for the issuance of Federal reserve notes under the provisions of section 16 of this Act: Provided, That notes, drafts, and bills of exchange with maturities in excess of six months shall not be eligible as a basis for the issuance of Federal reserve notes unless secured by warehouse receipts or other such negotiable documents conveying or securing title to readily marketable staple agricultural products or by chattel mortgage upon live stock which is being fattened for market.

[12 USC 348. As added by act of March 4, 1923 (42 Stat. 1479).]

2. Rediscounts for, and Discount of Notes Payable to, Federal Intermediate Credit Banks

That any Federal reserve bank may, subject to regulations and limitations to be prescribed by the Board of Governors of the Federal Reserve System, rediscount such notes, drafts, and bills for any Federal Intermediate Credit Bank, except that no Federal reserve bank shall rediscount for a Federal Intermediate Credit Bank any such note or obligation which bears the indorsement of a nonmember State bank or trust company which is eligible for membership in the Federal reserve system, in accordance with section 9 of this Act. Any Federal reserve bank may also, subject to regulations and limitations to be prescribed by the Board of Governors of the Federal Reserve System, discount notes payable to and bearing the indorsement of any Federal intermediate credit bank, covering loans or advances made by such bank pursuant to the provisions of section 202(a) of Title II of the Federal Farm Loan Act, as amended (U.S.C., title 12, ch. 8, sec. 1031), which have maturities at the time of discount of not more than nine months, exclusive of days of grace, and which are secured by notes, drafts, or bills of exchange eligible for rediscount by Federal Reserve banks.

[12 USC 349. As added by act of March 4, 1923 (42 Stat. 1480); and amended by act of May 19, 1932 (47 Stat. 160).]

第 13A 條　農業票據之貼現

1. 授權聯邦準備銀行辦理農業票據之貼現

聯邦準備銀行得依聯準會所定之規則及限額，對經會員銀行背書而該銀行業已完全放棄提示、通知及作成拒絕證書之為農業或畜產目的所簽發之扣除寬限日後自貼現日不超過 9 個月之本票及匯票，辦理貼現，並得將此本票或匯票作為依據第 16 條規定所發行聯邦準備鈔券之擔保品。但期限超過 6 個月之本票及匯票，除有倉單或其他代表即可出售之主要農產品所有權憑證為擔保品，或以成長至足供市銷之牲畜設定動產抵押權擔保外，不得作為發行聯邦準備鈔券之擔保。

〔見美國法典第 12 編第 348 條。1923 年 3 月 4 日立法（法律輯錄第 42 冊第 1479 頁）增訂本項。〕

2. 為聯邦中期信用銀行辦理重貼現、對以聯邦中期信用銀行為收款人之本票辦理兌現

聯邦準備銀行得依聯準會所定規則及限額，為聯邦中期信用銀行辦理本票及匯票之重貼現。但聯邦準備銀行不得為聯邦中期信用銀行，對經依據第 9 條規定具聯邦準備制度會員資格之非會員州註冊銀行或信託公司所背書之本票或債務辦理重貼現。聯邦準備銀行並得依聯準會所定規則及限額，對聯邦中期信用銀行依據聯邦農業放款法第 2 章第 202(a)條（美國法典第 12 編第 8 章第 1031 條）規定所貸放而以其為收款人及經其背書之扣除寬限期，自貼現日起不超過 6 個月，且有得向聯邦準備銀行辦理重貼現之合格票據為擔保之本票辦理貼現。

〔見美國法典第 12 編第 349 條。1923 年 3 月 4 日立法（法律輯錄第 42 冊第 1480 頁）增訂本項；1932 年 5 月 19 日立法（法律輯錄第 47 冊第 160 頁）修正本項。〕

3. Purchase and Sale of Debentures of Federal Intermediate Credit Banks

Any Federal reserve bank may also buy and sell debentures and other such obligations issued by a Federal Intermediate Credit Bank or by a National Agricultural Credit Corporation, but only to the same extent as and subject to the same limitations as those upon which it may buy and sell bonds issued under Title I of the Federal Farm Loan Act.

[12 USC 350. As added by act of March 4, 1923 (42 Stat. 1480). The meaning of the term "debentures", as used above, was affected by act of Aug. 19, 1937 (50 Stat. 718), 12 USC 1040, which provides:["The terms 'debenture' and 'debentures', when used in any Act of Congress, whenever enacted, except the Federal Farm Loan Act, relating to the purchase, sale, or use as security, of debentures issued by or for the benefit and account of any Federal intermediate credit bank or banks, shall be deemed to mean debentures issued by any such bank individually and consolidated debentures issued by such banks acting together."]

4. Paper of Cooperative Marketing Associations

Notes, drafts, bills of exchange or acceptances issued or drawn by cooperative marketing associations composed of producers of agricultural products shall be deemed to have been issued or drawn for an agricultural purpose, within the meaning of this section, if the proceeds thereof have been or are to be advanced by such association to any members thereof for an agricultural purpose, or have been or are to be used by such association in making payments to any members thereof on account of agricultural products delivered by such members to the association, or if such proceeds have been or are to be used by such association to meet expenditures incurred or to be incurred by the association in connection with the grading, processing, packing, preparation for market, or marketing of any agricultural product handled by such association for any of its members: Provided, That the express enumeration in this paragraph of certain classes of paper of cooperative marketing associations as eligible for rediscount shall not be construed as rendering ineligible any other class of paper of such associations which is now eligible for rediscount.

[12 USC 351. As added by act of March 4, 1923 (42 Stat. 1480).]

5. Limitations

The Board of Governors of the Federal Reserve System may, by regulation, limit to a percentage of the assets of a Federal reserve bank the amount of notes, drafts, acceptances, or bills having a maturity in excess of three months, but not exceeding six months, exclusive of days of grace, which may be discounted by such bank, and the amount of notes, drafts, bills, or acceptance having a maturity in excess of six months, but not exceeding nine months, which may be rediscounted by such bank.

[12 USC 352. As added by act of March 4, 1923 (42 Stat. 1480).]
** Previously section 13a, this section was redesignated by act of Dec. 19, 1991 (105 Stat. 2281).*

3. 購買及出售聯邦中期信用銀行之債券

聯邦準備銀行得購買或出售聯邦中期信用銀行或聯邦農業信用公司所發行之債券或其他類似債務。但買賣額度應與其買賣依據聯邦農業放款法第 1 章規定所發行公債之限額相同。

〔見美國法典第 12 編第 350 條。1923 年 3 月 4 日立法（法律輯錄第 42 冊第 1480 頁）增訂本項；上述所稱「債券」受 1937 年 8 月 19 日立法（法律輯錄第 12 冊第 1040 頁）影響，其規定：「『債券』一詞使用於國會制定之法律時，除聯邦農業放款法有關聯邦中期信用銀行為其利益所發行債券之買賣或供作擔保外，係指銀行個別發行之債券及共同發行之統一債券」。〕

4. 合作銷貨協會之票據

農作物生產者所組織之合作銷貨協會所簽發之本票、匯票或承兌匯票，如其本金係該協會為農業目的墊款或將墊款予其會員，或係因會員交付農業產品予該協會而該協會用於或將用於付款予該會員，或該本金已由該協會代其會員用於或將用於有關農作物之分級、加工、包裝及供市銷之準備與市銷費用者，應視同為符合本條所謂為農業目的簽發。但本項所列舉合作銷貨協會得為重貼現之合格票據，不應解釋為該協會其他現行之合格貼現票據成為不合格票據。

〔見美國法典第 12 編第 351 條。1923 年 3 月 4 日立法（法律輯錄第 42 冊第 1480 頁）增訂本項。〕

5. 限額

聯準會得訂定規則，就聯邦準備銀行對不含寬限期之到期日為 3 個月以上 6 個月以下之本票、匯票、承兌匯票或支票辦理貼現，及對到期日 6 個月以上 9 個月以下之本票、匯票、承兌匯票或支票辦理重貼現之數額限制於其資產之一定比率。

〔見美國法典第 12 編第 352 條。1923 年 3 月 4 日立法（法律輯錄第 42 冊第 1480 頁）增訂本項。〕
**原第 13a 條於 1991 年 12 月 19 日立法（法律輯錄第 105 冊第 2281 頁）重編。*

Section 14. Open Market Operations

Purchase and Sale of Cable Transfers, Bank Acceptances and Bills of Exchange

Any Federal reserve bank may, under rules and regulations prescribed by the Board of Governors of the Federal Reserve System, purchase and sell in the open market, at home or abroad, either from or to domestic or foreign banks, firms, corporations, or individuals, cable transfers and bankers' acceptances and bills of exchange of the kinds and maturities by this Act made eligible for rediscount, with or without the indorsement of a member bank.

[12 USC 353. Part of original Federal Reserve Act; not amended.]

Dealings in, and Loans on, Gold

Every Federal reserve bank shall have power:

(a) To deal in gold coin and bullion at home or abroad, to make loans thereon, exchange Federal reserve notes for gold, gold coin, or gold certificates, and to contract for loans of gold coin or bullion, giving therefor, when necessary, acceptable security, including the hypothecation of United States bonds or other securities which Federal reserve banks are authorized to hold;

[12 USC 354. Part of original Federal Reserve Act; not amended. See also 12 USC 5116 through 5118.]

Purchase and Sale of Obligations of United States, States, Counties, etc., and of Foreign Governments

(b)

1. To buy and sell, at home or abroad, bonds and notes of the United States, bonds issued under the provisions of subsection (c) of section 4 of the Home Owners' Loan Act of 1933, as amended, and having maturities from date of purchase of not exceeding six months, and bills, notes, revenue bonds, and warrants with a maturity from date of purchase of not exceeding six months, issued in anticipation of the collection of taxes or in anticipation of the receipt of assured revenues by any State, county, district, political subdivision, or municipality in the continental United States, including irrigation, drainage and reclamation districts, and obligations of, or fully guaranteed as to principal and interest by, a foreign government or agency thereof, such purchases to be made in accordance with rules and regulations prescribed by the Board of Governors of the Federal Reserve System. Notwithstanding any other provision of this chapter, any bonds, notes, or other obligations which are direct obligations of the United States or which are fully guaranteed by the United States as to the principal and interest may be bought and sold without regard to maturities but only in the open market.

第 14 條　公開市場操作

買賣電匯憑證、銀行承兌匯票及匯票

聯邦準備銀行得依聯準會所訂規則，於國內外公開市場，向本國或外國銀行、行號、公司或個人買賣電匯憑證、銀行承兌匯票及無論有無會員銀行背書之依本法規定具重貼現資格之匯票。

〔見美國法典第 12 編第 353 條。本條為原法案條文，並無修正。〕

黃金交易及貸款

各聯邦準備銀行有權從事下列行為：

(a)於國內外進行金幣及金塊交易，或以黃金為擔保品予以貸款，或以聯邦準備鈔券換取黃金、金幣或黃金憑證，或於必要時提供包括聯邦準備銀行獲授權得持有之聯邦政府公債或其他證券等可接受之擔保品，而簽訂金幣或黃金借貸契約。

〔見美國法典第 12 編第 354 條。本條為原法案條文，並無修正。另參閱美國法典第 12 編第 5116 條至第 5118 條。〕

買賣聯邦政府、州、郡等及外國政府之債務

(b)

1. 於國內外買賣聯邦政府公債與國庫券，及依修正後之 1933 年國民住宅貸款法第 4 條第(c)項所定而發行之自購買日起其期間不超過 6 個月之債券，及州、郡、區、行政單位或在美國大陸之市政單位以其預期稅收或確切收入，包括灌溉排水及新生地在內而發行之期間不超過 6 個月之債券、收益債券及認購權證、外國政府或機構之債務或本息由其擔保之債務。前述購買應依聯準會所定法規辦理。另本法縱有其他規定，任何公債、債券或其他債務，凡屬聯邦政府之直接債務或本息由聯邦政府擔保者，不論其期間，均得買賣；但僅得於公開市場為之。

2. To buy and sell in the open market, under the direction and regulations of the Federal Open Market Committee, any obligation which is a direct obligation of, or fully guaranteed as to principal and interest by, any agency of the United States.

[12 USC 355. As amended by acts of Jan. 31, 1934 (48 Stat. 348); April 27, 1934 (48 Stat. 646); Aug. 23, 1935 (49 Stat. 706); March 27, 1942 (56 Stat. 180); April 28, 1947 (61 Stat. 56); June 30, 1950 (64 Stat. 307); June 23, 1952 (66 Stat. 154); June 29, 1954 (68 Stat. 329); June 25, 1956 (70 Stat. 339); June 30, 1958 (72 Stat. 261); July 1, 1960 (74 Stat. 295); Oct. 4, 1961 (75 Stat. 773); June 28, 1962 (76 Stat. 112); June 30, 1964 (78 Stat. 235); June 30, 1966 (80 Stat. 235); Sept. 21, 1966 (80 Stat. 825) (as amended by acts of Sept. 21, 1967 (81 Stat. 226) and Sept. 21, 1968 (82 Stat. 856); May 4, 1968 (82 Stat. 113); July 31, 1970 (84 Stat. 668); July 2, 1971 (85 Stat. 100); Aug. 14, 1973 (87 Stat. 314); Oct. 28, 1974 (88 Stat. 1505); Nov. 12, 1975 (89 Stat. 638); April 19, 1977 (91 Stat. 49); Oct. 12, 1977 (91 Stat. 1131); Nov. 7, 1977 (91 Stat. 1256); June 8, 1979 (93 Stat. 35); and March 31, 1980 (94 Stat. 140). See also 12 USC 2158 and 31 USC 5301. The "continental United States" is defined in paragraph 3 of section 1 of the Federal Reserve Act, so as to mean the "States of the United States and the District of Columbia."]

Purchase and Sale of Bills of Exchange

(c) To purchase from member banks and to sell, with or without its indorsement, bills of exchange arising out of commercial transactions, as hereinbefore defined;

[12 USC 356. Part of original Federal Reserve Act; not amended.]

Rates of Discount

(d) To establish from time to time, subject to review and determination of the Board of Governors of the Federal Reserve System, rates of discount to be charged by the Federal reserve bank for each class of paper, which shall be fixed with a view of accommodating commerce and business; but each such bank shall establish such rates every fourteen days, or oftener if deemed necessary by the Board;

2.根據聯邦公開市場委員會之指示及規則，於公開市場買賣聯邦政府機構之直接債務或經其擔保本息之債務。

〔見美國法典第 12 編第 255 條。經由以下各項立法修正：1934 年 1 月 31 日立法（法律輯第 48 冊第 348 頁），1934 年 4 月 27 日立法（法律輯第 48 冊第 646 頁），1935 年 8 月 23 日立法（法律輯第 49 冊第 706 頁），1942 年 3 月 27 日立法（法律輯第 56 冊第 180 頁），1947 年 4 月 28 日立法（法律輯第 61 冊第 56 頁），1950 年 6 月 30 日立法（法律輯第 64 冊第 307 頁），1952 年 6 月 23 日立法（法律輯第 66 冊第 154 頁），1954 年 6 月 29 日立法（法律輯第 68 冊第 329 頁），1956 年 6 月 25 日立法（法律輯第 70 冊第 339 頁），1958 年 6 月 30 日立法（法律輯第 72 冊第 261 頁），1960 年 6 月 1 日立法（法律輯第 74 冊第 295 頁），1961 年 10 月 4 日立法（法律輯第 75 冊第 773 頁），1962 年 6 月 28 日立法（法律輯第 76 冊第 112 頁），1964 年 6 月 30 日立法（法律輯第 78 冊第 235 頁），1966 年 6 月 30 日立法（法律輯第 80 冊第 235 頁），1966 年 9 月 21 日立法（法律輯第 80 冊第 825 頁）（此項立法復經 1967 年 9 月 21 日立法（法律輯第 81 冊第 226 頁）及 1968 年 9 月 21 日立法（法律輯第 82 冊第 856 頁）修正，1968 年 5 月 4 日立法（法律輯第 82 冊第 113 頁），1970 年 7 月 31 日立法（法律輯第 84 冊第 668 頁），1971 年 7 月 2 日立法（法律輯第 85 冊第 100 頁），1973 年 8 月 14 日立法（法律輯第 87 冊第 314 頁），1974 年 10 月 28 日立法（法律輯第 88 冊第 1505 頁），1975 年 11 月 12 日立法（法律輯第 89 冊第 638 頁），1977 年 4 月 19 日立法（法律輯第 91 冊第 49 頁），1977 年 10 月 12 日立法（法律輯第 91 冊第 1131 頁），1977 年 11 月 7 日立法（法律輯第 91 冊第 1256 頁），1979 年 6 月 8 日立法（法律輯第 93 冊第 35 頁），1980 年 3 月 31 日立法（法律輯第 94 冊第 140 頁）。另參閱美國法典第 12 編第 2158 條及第 31 編第 5301 條。「美國大陸」定義於美國聯邦準備法第 1 條第 3 項，即指「美國各州及哥倫比亞特區」。〕

買賣匯票

(c)向會員銀行購買因商業交易而產生之匯票，及經背書或不背書而出售之。

〔見美國法典第 12 編第 356 條。本條為原法案條文，並無修正。〕

貼現率

(d)隨時訂定經聯準會審定之聯邦準備銀行對各類票據應收之貼現率。前述貼現率應審視商業、企業之融通情況後定之。各銀行應每隔 14 日訂定此貼現率，或如聯準會認有必要，應更頻繁為之。

[12 USC 357. As amended by acts of April 13, 1920 (41 Stat. 550); March 4, 1923 (42 Stat. 1480); Aug. 23, 1935 (49 Stat. 706).]

Foreign Correspondents and Agencies

(e) To establish accounts with other Federal reserve banks for exchange purposes and, with the consent or upon the order and direction of the Board of Governors of the Federal Reserve System and under regulations to be prescribed by said board, to open and maintain accounts in foreign countries, appoint correspondents, and establish agencies in such countries wheresoever it may be deemed best for the purpose of purchasing, selling, and collecting bills of exchange, and to buy and sell, with or without its indorsement, through such correspondents or agencies, bills of exchange (or acceptances) arising out of actual commercial transactions which have not more than ninety days to run, exclusive of days of grace, and which bear the signature of two or more responsible parties, and, with the consent of the Board of Governors of the Federal Reserve System, to open and maintain banking accounts for such foreign correspondents or agencies, or for foreign banks or bankers, or for foreign states as defined in section 25(b) of this Act. Whenever any such account has been opened or agency or correspondent has been appointed by a Federal reserve bank, with the consent of or under the order and direction of the Board of Governors of the Federal Reserve System, any other Federal reserve bank may, with the consent and approval of the Board of Governors of the Federal Reserve System, be permitted to carry on or conduct, through the Federal reserve bank opening such account or appointing such agency or correspondent, any transaction authorized by this section under rules and regulations to be prescribed by the board.

[12 USC 358. As amended by acts of Sept. 7, 1916 (39 Stat. 754); June 21, 1917 (40 Stat. 235); April 7, 1941 (55 Stat. 131).]

Purchase and Sale of Acceptances of Federal Intermediate Credit Banks

(f) To purchase and sell in the open market, either from or to domestic banks, firms, corporations, or individuals, acceptances of Federal Intermediate Credit Banks and of National Agricultural Credit Corporations, whenever the Board of Governors of the Federal Reserve System shall declare that the public interest so requires.

[12 USC 359. As added by act of March 4, 1923 (42 Stat. 1480).]

〔見美國法典第 12 編第 357 條。經 1920 年 4 月 13 日立法（法律輯第 41 冊第 550 頁），1923 年 3 月 4 日立法（法律輯第 42 冊第 1480 頁），1935 年 8 月 23 日立法（法律輯第 49 冊第 706 頁）修正。〕

國外通匯銀行及代表處

(e)為匯兌目的於其他聯邦準備銀行開立帳戶，並於獲得聯準會同意或依其所定規則，於國外能提供最佳買賣及代收匯票等服務之國家開立往來帳戶，指定通匯銀行及設立代表處，並經由各該通匯銀行及代表處買賣無論是否經其背書之因商業交易而產生之扣除寬限日期 90 日以內，經關係人 2 人以上簽名之匯票（或承兌匯票），並於獲得聯準會之同意，為本法第 25 條(b)條所定義之各通匯銀行及代表處，或外國銀行或銀行業者，或外國政府，在本行開立其往來帳戶。凡聯邦準備銀行經聯準會同意或依其所定規則已開立此銀行往來帳戶，或已指定通匯銀行或代表處後，其他聯邦準備銀行經獲聯準會之同意及核准，得經由此已開立銀行帳戶或已指定通匯銀行或代表處之聯邦準備銀行，依據聯準會所定規則進行或從事本條所授權之交易。

〔見美國法典第 12 編第 358 條。經 1916 年 9 月 7 日立法（法律輯錄第 39 冊第 754 頁），1917 年 6 月 21 日立法（法律輯錄第 40 冊第 235 頁）及第 1941 年 4 月 7 日立法（法律輯錄第 55 冊第 131 頁）修正。〕

買賣聯邦中期信用銀行之承兌匯票

(f)經聯準會宣布為公眾利益所必要，而於公開市場向國內銀行、商號、公司或個人買入或賣出聯邦中期信用銀行及國家農業信用公司之承兌匯票。

〔見美國法典第 12 編第 359 條。1923 年 3 月 4 日立法（法律輯錄第 42 冊第 1480 頁）增訂本項。〕

Relationships and Transactions with Foreign Banks and Bankers

(g) The Board of Governors of the Federal Reserve System shall exercise special supervision over all relationships and transactions of any kind entered into by any Federal reserve bank with any foreign bank or banker, or with any group of foreign banks or bankers, and all such relationships and transactions shall be subject to such regulations, conditions, and limitations as the Board may prescribe. No officer or other representative of any Federal reserve bank shall conduct negotiations of any kind with the officers or representatives of any foreign bank or banker without first obtaining the permission of the Board of Governors of the Federal Reserve System. The Board of Governors of the Federal Reserve System shall have the right, in its discretion, to be represented in any conference or negotiations by such representative or representatives as the Board may designate. A full report of all conferences or negotiations, and all understandings or agreements arrived at or transactions agreed upon, and all other material facts appertaining to such conferences or negotiations, shall be filed with the Board of Governors of the Federal Reserve System in writing by a duly authorized officer of each Federal reserve bank which shall have participated in such conferences or negotiations.

[12 USC 348a. As added by act of June 16, 1933 (48 Stat. 181).]

Section 15. Government Deposits

1. Federal Reserve Banks as Depositaries and Fiscal Agents of United States

The moneys held in the general fund of the Treasury, except the five per centum fund for the redemption of outstanding national-bank notes may, upon the direction of the Secretary of the Treasury, be deposited in Federal reserve banks, which banks, when required by the Secretary of the Treasury, shall act as fiscal agents of the United States; and the revenues of the Government or any part thereof may be deposited in such banks, and disbursements may be made by checks drawn against such deposits.

[12 USC 391. As amended by the act of March 18, 1968 (82 Stat. 50). Also, in effect amended by act of May 29, 1920 (41 Stat. 654).
Reimbursement as fiscal agents is provided by 31 USC 3302(f) as follows:
"(f) When authorized by the Secretary, an official or agent of the Government having custody or possession of public money, or performing other fiscal agent services, may be allowed necessary expenses to collect, keep, transfer, and pay out public money and to perform those services. However, money appropriated for those expenses may not be used to employ or pay officers and employees of the Government."]

與外國銀行及銀行業者之關係及交易

(g)聯準會應對聯邦準備銀行與外國銀行、銀行業者、外國銀行集團或銀行業者集團間之關係或交易，執行特別監督。各項關係及交易均應依聯準會所定規則、條件及限制為之。聯邦準備銀行之職員或其他代表未獲聯準會核准前，不得與外國銀行或銀行業者之職員或代表進行任何性質之協商。聯準會得指定代表出席前揭會議或協商。經正式授權出席會議或協商之聯邦準備銀行職員，於會後應向聯準會提具有關會議或協商或所達成之共識及協議，或所同意之交易及與該會議或協商有關之其他具體事實之完整書面報告。

〔見美國法典第 12 編第 348a 條。1933 年 6 月 16 日立法（法律輯錄第 48 冊第 181 頁）增訂本項。〕

第 15 條　政府之存款

1. 聯邦準備銀行擔任聯邦政府之公款保管人及財務代理人

國庫所保管之一般預算（general fund of the treasury）內之款項，除其中 5%得作為買回聯邦註冊銀行所發行鈔券之用外，經財政部長命令得存入聯邦準備銀行；該銀行經財政部長指示時，應擔任聯邦政府之財務代理人。政府之稅收或其一部得存入該銀行，並得使用支票於各該銀行提領款項。

〔見美國法典第 12 編第 391 條。經 1968 年 3 月 18 日立法（法律輯錄第 82 冊第 50 頁）修正。實質上經 1920 年 5 月 29 日立法（法律輯錄第 41 冊第 654 頁）修正。
以財務代理人身分提領款項，規定於美國法典第 31 編第 3302(f)條:
「(f)經財政部長授權之政府職員或代理人，保管或持有政府款項或執行其他財務代理人職務時，得收取必要費用、保管、移轉及支付公款以執行前述職務。但撥用之費用不得用於雇用或支付政府之職員或員工。」〕

2. Nonmember Banks as Depositaries of United States

No public funds of the Philippine Islands, or of the postal savings, or any Government funds, shall be deposited in the continental United States in any bank not belonging to the system established by this Act: *Provided, however*, That nothing in this Act shall be construed to deny the right of the Secretary of the Treasury to use member banks as depositaries.

[12 USC 392. Part of original Federal Reserve Act; not specifically amended, but amended in effect by the following statutes permitting the deposit of government funds in nonmember banks: Under section 10 of the act of June 11, 1942, all insured banks designated for the purpose by the Secretary of the Treasury may be depositaries of public moneys of the United States under the Liberty Bond Acts, the proceeds of sales of Liberty bonds may be deposited in nonmember banks; and under the Internal Revenue Code, the Secretary of the Treasury may authorize banks or trust companies to receive taxes. For designation of state member banks as depositaries of public money, see section 9 of the Federal Reserve Act; for designation of national banks as depositaries of public money, see section 5153 of the Revised Statutes. "Continental United States" means "the States of the United States and the District of Columbia." (Federal Reserve Act, section 1, third paragraph.) Presidential Proclamation No. 2695 of July 4, 1946 (60 Stat. 1352; 12 USC 1394 note) recognizes the independence of the Philippine Islands. Therefore the words "of the Philippine Islands or" have been omitted from the U.S. Code.]

3. Depositaries and Fiscal Agents of Institutions of the Farm Credit System

The Federal Reserve banks are authorized to act as depositaries for and fiscal agents of any Federal land bank, Federal intermediate credit bank, bank for cooperatives, or other institutions of the Farm Credit System.

[12 USC 393. As added by act of March 4, 1923 (42 Stat. 1480); and amended by act of Dec. 10, 1971 (85 Stat. 625).]

Section 16. Note Issues

1. Issuance of Federal Reserve Notes; Nature of Obligation; Where Redeemable

Federal reserve notes, to be issued at the discretion of the Board of Governors of the Federal Reserve System for the purpose of making advances to Federal reserve banks through the Federal reserve agents as hereinafter set forth and for no other purpose, are hereby authorized. The said notes shall be obligations of the United States and shall be receivable by all national and member banks and Federal reserve banks and for all taxes, customs, and other public dues. They shall be redeemed in lawful money on demand at the Treasury Department of the United States, in the city of Washington, District of Columbia, or at any Federal Reserve bank.

2. 非會員銀行擔任聯邦政府之公款保管人

菲律賓屬島之公款、郵政儲金或任何政府之公款，均不得在美國大陸存入不屬於本法體制所成立之任何銀行。但本規定不得解釋為否定財政部長使用會員銀行為政府公款保管人之權。

〔見美國法典第 12 編第 392 條。本條為原法案條文未專案修正，但實質上經下列有關允許政府公款存入非會員銀行之各項法律所修正：依 1942 年 6 月 11 日立法第 10 條規定，財政部長所指定之要保銀行得依戰時公債法（the Liberty Bond Acts）之規定為聯邦政府之公款保管人，出售戰時公債所得金額得存入非會員銀行；依據國內稅收法，財政部長得授權銀行或信託公司收受稅款。關於指定州註冊會員銀行擔任公款保管人之規定，參閱聯邦準備法第 9 條。關於指定聯邦註冊銀行擔任公款保管人之規定，參閱修正法律第 5153 條。「美國大陸」即指「美國各州及哥倫比亞特區」（聯邦準備法第 1 條第 3 項），1964 年 7 月 4 日第 2695 號總統頒布法律（法律輯錄第 60 冊第 1352 頁；美國法典第 12 編第 1394 條附錄）承認菲律賓獨立，故「菲律賓屬島」一語已自美國法典中刪除。〕

3. 農業信用制度機構之存款保管人及財務代理人

茲授權聯邦準備銀行擔任農業信用制度之聯邦土地銀行、聯邦中期信貸銀行及合作銀行或其他機構之存款保管人及財務代理人。

〔見美國法典第 12 編第 393 條。1923 年 3 月 4 日立法（法律輯錄第 42 冊第 1480 頁）增訂本項，經 1971 年 12 月 10 日立法（第 85 冊第 625 頁）修正。〕

第 16 條　鈔券之發行

1. 聯邦準備鈔券之發行、債務性質、兌換處所

茲授權聯準會得經由聯邦準備代理人依下述規定，基於墊款予聯邦準備銀行之目的而發行聯邦準備鈔券，但不得為其他目的而發行該鈔券。前述聯邦準備鈔券應為聯邦政府之債務，且應被聯邦註冊會員銀行及聯邦準備銀行所接受，並於納稅、繳付關稅及其他公共費用時使用之。前述準備鈔券經於華盛頓哥倫比亞特區聯邦政府財政部或任一聯邦準備銀行提示，應以法定幣兌現之。

[12 USC 411. As amended by act of Jan. 30, 1934 (48 Stat. 337). For redemption of Federal reserve notes whose bank of issue cannot be identified, see act of June 13, 1933.]

2. Application for Notes by Federal Reserve Banks

Any Federal Reserve bank may make application to the local Federal Reserve agent for such amount of the Federal Reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal Reserve agent of collateral in amount equal to the sum of the Federal Reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under section 10A, 10B, 13, or 13A of this Act, or bills of exchange endorsed by a member bank of any Federal Reserve district and purchased under the provisions of section 14 of this Act, or bankers' acceptances purchased under the provisions of said section 14, or gold certificates, or Special Drawing Right certificates, or any obligations which are direct obligations of, or are fully guaranteed as to principal and interest by, the United States or any agency thereof, or assets that Federal Reserve banks may purchase or hold under section 14 of this Act or any other asset of a Federal reserve bank. In no event shall such collateral security be less than the amount of Federal Reserve notes applied for. The Federal Reserve agent shall each day notify the Board of Governors of the Federal Reserve System of all issues and withdrawals of Federal Reserve notes to and by the Federal Reserve bank to which he is accredited. The said Board of Governors of the Federal Reserve System may at any time call upon a Federal Reserve bank for additional security to protect the Federal Reserve notes issued to it. Collateral shall not be required for Federal Reserve notes which are held in the vaults of, or are otherwise held by or on behalf of, Federal Reserve banks.

[12 USC 412. As amended by the acts of Sept. 7, 1916 (39 Stat. 754); June 21, 1917 (40 Stat. 236); Feb. 27, 1932 (47 Stat. 57); Feb. 3, 1933 (47 Stat. 794); Jan. 30, 1934 (48 Stat. 338); March 6, 1934 (48 Stat. 991); June 30, 1941 (55 Stat. 395); May 25, 1943 (57 Stat. 85); June 12, 1945 (59 Stat. 237); June 19, 1968 (82 Stat. 189); Nov. 10, 1978 (92 Stat. 3672); March 31, 1980 (94 Stat. 140); Dec. 6, 1999 (113 Stat. 1638); and Oct. 28, 2003 (117 Stat. 1193).]

〔見美國法典第 12 編第 411 條。1934 年 1 月 30 日立法（法律輯錄第 48 冊第 337 頁）修正。發行銀行不明之聯邦準備券之兌現，見 1933 年 6 月 13 日之立法。〕

2. 聯邦準備銀行申請發行鈔券

聯邦準備銀行得依前述規定，向當地聯邦準備代理人申請發行其所需數額之聯邦準備鈔券。上述申請應檢附同數額與所申請發行額相等之擔保品，送交當地聯邦準備代理人。前揭擔保品應為：依本法第 10A 條、第 10B 條、第 13 條及第 13A 條取得之本票、匯票、承兌匯票；依本法第 14 條規定所購入具任一聯邦準備區會員銀行背書之匯票；依上述第 14 條規定購入之銀行承兌匯票、黃金兌換憑證、特別提款權憑證；聯邦政府或其機構之直接債務或本息經其全額保證之債務；聯邦準備銀行依本法第 14 條規定得購入或持有之資產，或其他聯邦準備銀行之資產。前述擔保品不得少於其所申請聯邦準備鈔券數額。聯邦準備代理人應按日將所經手之由聯邦準備銀行發行及提領之聯邦準備鈔券數額通知聯準會。聯準會得隨時飭令聯邦準備銀行增加擔保品，以保障其所發行之聯邦準備鈔券。聯邦準備銀行庫存或由其持有或代表持有之聯邦準備鈔券，無需提供擔保品。

〔見美國法典第 12 編第 412 條。經以下各項立法修正：1916 年 9 月 7 日立法（法律輯錄第 39 冊第 754 頁），1917 年 6 月 21 日立法（法律輯錄第 40 冊第 236 頁），1932 年 2 月 27 日立法（法律輯錄第 47 冊第 57 頁），1933 年 2 月 3 日立法（法律輯錄第 47 冊第 794 頁），1934 年 1 月 30 日立法（法律輯錄第 48 冊第 338 頁），1934 年 3 月 6 日立法（法律輯錄第 48 冊第 991 頁），1941 年 6 月 30 日立法（法律輯錄第 55 冊第 395 頁），1943 年 5 月 25 日立法（法律輯錄第 57 冊第 85 頁），1945 年 6 月 12 日立法（法律輯錄第 59 冊第 237 頁），1968 年 6 月 19 日立法（法律輯錄第 82 冊第 189 頁），1978 年 11 月 10 日立法（法律輯錄第 92 冊第 3672 頁），1980 年 3 月 31 日立法（法律輯錄第 94 冊第 140 頁），1999 年 12 月 6 日立法（法律輯錄第 113 冊第 1638 頁）及 2003 年 10 月 28 日立法（法律輯錄第 117 冊第 1193 頁）。〕

3. Distinctive Letter on Notes; Destruction of Unfit Notes

Federal Reserve notes shall bear upon their faces a distinctive letter and serial number which shall be assigned by the Board of Governors of the Federal Reserve System to each Federal Reserve bank. Federal Reserve notes unfit for circulation shall be canceled, destroyed, and accounted for under procedures prescribed and at locations designated by the Secretary of the Treasury. Upon destruction of such notes, credit with respect thereto shall be apportioned among the twelve Federal Reserve banks as determined by the Board of Governors of the Federal Reserve System.

[12 USC 413. As amended by acts of June 21, 1917 (40 Stat. 236); Jan. 30, 1934 (48 Stat. 338); June 12, 1945 (59 Stat. 237); July 19, 1954 (68 Stat. 495); March 3, 1965 (79 Stat. 5); May 20, 1966 (80 Stat. 161); and March 18, 1968 (82 Stat. 50).]

4. Granting Right to Issue Notes

The Board of Governors of the Federal Reserve System shall have the right, acting through the Federal Reserve agent, to grant in whole or in part, or to reject entirely the application of any Federal Reserve bank for Federal Reserve notes; but to the extent that such application may be granted the Board of Governors of the Federal Reserve System shall, through its local Federal Reserve agent, supply Federal Reserve notes to the banks so applying, and such bank shall be charged with the amount of the notes issued to it and shall pay such rate of interest as may be established by the Board of Governors of the Federal Reserve System on only that amount of such notes which equals the total amount of its outstanding Federal Reserve notes less the amount of gold certificates held by the Federal Reserve agent as collateral security. Federal Reserve notes issued to any such bank shall, upon delivery, together with such notes of such Federal Reserve bank as may be issued under section 18 of this Act upon security of United States 2 per centum Government bonds, become a first and paramount lien on all the assets of such bank.

[12 USC 414. As amended by acts of June 21, 1917 (40 Stat. 237); Jan. 30, 1934 (48 Stat. 338); June 12, 1945 (59 Stat. 237); and March 18, 1968 (82 Stat. 50).]

3. 鈔券之識別字母、不適流通鈔券之銷毀

應於聯邦準備鈔券之表面記載聯準會所分派給予各聯邦準備銀行之特定字母及其序號。凡已不適流通之聯邦準備鈔券應依財政部所訂地點及程序銷毀及記錄之。經銷毀之準備鈔券應依聯準會所訂比例分攤貸記於12個聯邦準備銀行之帳戶。

〔見美國法典第 12 編第 413 條。經以下各項立法修正：1917 年 6 月 21 日立法（法律輯錄第 40 冊第 236 頁），1934 年 1 月 30 日立法（法律輯錄第 48 冊第 338 頁），1945 年 6 月 12 日立法（法律輯錄第 59 冊第 237 頁），1954 年 7 月 19 日立法（法律輯錄第 68 冊第 495 頁），1965 年 3 月 3 日立法（法律輯錄第 79 冊第 5 頁），1966 年 5 月 20 日立法（法律輯錄第 80 冊第 161 頁）及 1968 年 3 月 18 日立法（法律輯錄第 82 冊第 50 頁）。〕

4. 授權發行鈔券

聯準會有權透過聯邦準備代理人准駁聯邦準備銀行申請發行聯邦準備鈔券之全部或一部。聯準會於核准範圍內，應由地方聯邦準備代理人向申請之聯邦準備銀行供應該項聯邦準備鈔券；該項聯邦準備鈔券應為申請銀行之負債，聯邦準備銀行應按聯準會所定利率，就聯邦準備鈔券發行餘額扣除聯邦準備代理人所持有擔保品中黃金兌換憑證之差額，繳付利息。發行予各該銀行之聯邦準備鈔券於發行後，及依第18條規定得以聯邦政府年息2%之政府公債為擔保而由聯邦準備銀行發行之鈔券，均對各該銀行之全部資產享有第一順位之優先受償權。

〔見美國法典第 12 編第 414 條。經以下各項立法修正：1917 年 6 月 21 日立法（法律輯錄第 40 冊第 237 頁），1934 年 1 月 30 日立法（法律輯錄第 48 冊第 338 頁），1945 年 6 月 12 日立法（法律輯錄第 59 冊第 237 頁），1968 年 3 月 18 日立法（法律輯錄第 82 冊第 50 頁）〕

5. Deposit to Reduce Liability for Outstanding Notes

Any Federal Reserve bank may at any time reduce its liability for outstanding Federal Reserve notes by depositing with the Federal Reserve agent its Federal Reserve notes, gold certificates, Special Drawing Right certificates, or lawful money of the United States. Federal Reserve notes so deposited shall not be reissued, except upon compliance with the conditions of an original issue. The liability of a Federal Reserve bank with respect to its outstanding Federal Reserve notes shall be reduced by any amount paid by such bank to the Secretary of the Treasury under section 4 of the Old Series Currency Adjustment Act.

[12 USC 415. As reenacted by act of June 21, 1917 (40 Stat. 237); and as amended by acts of Jan. 30, 1934 (48 Stat. 339); June 30, 1961 (75 Stat. 147); March 18, 1968 (82 Stat. 50); and June 19, 1968 (82 Stat. 189). The act of June 30, 1961, is the Old Series Currency Adjustment Act.]

6. Substitution of Collateral; Retirement of Federal Reserve Notes

Any Federal reserve bank may at its discretion withdraw collateral deposited with the local Federal reserve agent for the protection of its Federal reserve notes issued to it and shall at the same time substitute therefor other collateral of equal amount with the approval of the Federal reserve agent under regulations to be prescribed by the Board of Governors of the Federal Reserve System. Any Federal reserve bank may retire any of its Federal reserve notes by depositing them with the Federal reserve agent or with the Treasurer of the United States, and such Federal reserve bank shall thereupon be entitled to receive back the collateral deposited with the Federal reserve agent for the security of such notes. Any Federal Reserve bank shall further be entitled to receive back the collateral deposited with the Federal Reserve agent for the security of any notes with respect to which such bank has made payment to the Secretary of the Treasury under section 4 of the Old Series Currency Adjustment Act. Federal reserve notes so deposited shall not be reissued except upon compliance with the conditions of an original issue.

[12 USC 416. As amended by acts of June 21, 1917 (40 Stat. 237); June 30, 1961 (75 Stat. 147); and March 18, 1968 (82 Stat. 50). The act of June 30, 1961 is the Old Series Currency Adjustment Act.]

5. 為減少鈔券發行餘額之負債而繳存

聯邦準備銀行得隨時以其聯邦準備鈔券、黃金兌換憑證、特別提款權憑證或聯邦政府法定貨幣繳存於聯邦準備代理人，以減少其對聯邦準備鈔券餘額之負債。所繳存之聯邦準備鈔券不得再為發行，但符合原發行條件者，不在此限。任一聯邦準備銀行對其聯邦準備鈔券餘額之負債，應扣除各該銀行依舊通貨調整法（the Old Series Currency Adjustment Act）第4條規定繳付財政部長之數額。

〔見美國法典第12編第415條。經1917年6月21日（法律輯錄第40冊第237頁）重新立法，復經以下各項立法修正：1934年1月30日立法（法律輯錄第48冊第339頁），1961年6月30日立法（法律輯錄第75冊第147頁），1968年3月18日立法（法律輯錄第82冊第50頁），1968年6月19日立法（法律輯錄第82冊第50頁）。1961年6月30日立法即為「舊發行通貨調整法」。〕

6. 擔保品之替代、聯邦準備鈔券之回收

聯邦準備銀行得依其裁量，向當地聯邦準備代理人取回其為擔保其發行聯邦準備鈔券所存入之擔保品，並同時存入其他經聯邦準備代理人依聯準會所定規則同意之其他同額擔保品替代之。聯邦準備銀行得回收其所發行之聯邦準備鈔券，繳存於聯邦準備代理人或聯邦政府國庫署長；各該聯邦準備銀行亦因此得取回其原繳存於聯邦準備代理人之擔保品。聯邦準備銀行亦得取回為擔保舊發行通貨調整法第4條規定所繳付聯邦政府國庫署長鈔券之擔保品。回收之聯邦準備鈔券不得再為發行，但符合原發行條件者，不在此限。

〔見美國法典第12編第416條。經1917年6月21日立法（法律輯錄第40冊第237頁），1961年6月30日立法（法律輯錄第75冊第147頁）及1968年3月18日立法（法律輯錄第82冊第50頁）修正。1961年6月30日立法即為「舊發行通貨調整法」。〕

7. Custody of Reserve Notes, Gold Certificates, and Lawful Money

All Federal Reserve notes and all gold certificates, Special Drawing Right certificates, and lawful money issued to or deposited with any Federal Reserve agent under the provisions of the Federal Reserve Act shall hereafter be held for such agent, under such rules and regulations as the Board of Governors of the Federal Reserve System may prescribe, in the joint custody of himself and the Federal Reserve bank to which he is accredited. Such agent and such Federal Reserve bank shall be jointly liable for the safekeeping of such Federal Reserve notes, gold certificates, Special Drawing Right certificates, and lawful money. Nothing herein contained, however, shall be construed to prohibit a Federal Reserve agent from depositing gold certificates and Special Drawing Right certificates with the Board of Governors of the Federal Reserve System, to be held by such Board subject to his order, or with the Treasurer of the United States for the purposes authorized by law.

[12 USC 417. As added by act of June 21, 1917 (40 Stat. 238); and amended by acts of Jan. 30, 1934 (48 Stat. 339) and June 19, 1968 (82 Stat. 189).]

8. Engraving of Plates; Denominations and Form of Notes

In order to furnish suitable notes for circulation as Federal reserve notes, the Secretary of the Treasury shall cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such notes of the denominations of $1, $2, $5, $10, $20, $50, $100, $500, $1,000 $5,000, $10,000 as may be required to supply the Federal reserve banks. Such notes shall be in form and tenor as directed by the Secretary of the Treasury under the provisions of this Act and shall bear the distinctive numbers of the several Federal reserve banks through which they are issued.

[12 USC 418. As amended by acts of Sept. 26, 1918 (40 Stat. 970); June 4, 1963 (77 Stat. 54); and Sept. 23, 1994 (108 Stat. 2293).]

9. Custody of Unissued Notes

When such notes have been prepared, the notes shall be delivered to the Board of Governors of the Federal Reserve System subject to the order of the Secretary of the Treasury for the delivery of such notes in accordance with this Act.

[12 USC 419. As amended by acts of May 29, 1920 (41 Stat. 654) and Sept. 23, 1994 (108 Stat. 2293).]

7. 準備鈔券、黃金憑證及法定貨幣之保管

凡依本法規定發行或存入聯邦準備代理人之聯邦準備鈔券、黃金憑證、特別提款權憑證及法定貨幣，應由該代理人會同有關之聯邦準備銀行，依聯準會所定法規共同保管。該代理人及各該聯邦準備銀行應共同負責保管該聯邦準備鈔券、黃金憑證、特別提款權憑證及法定貨幣。但本項規定不應解釋為禁止聯邦準備代理人將黃金憑證及特別提款權存入聯準會，由聯準會依其命令保管之，或依法律所授權之目的繳存聯邦政府國庫署。

〔見美國法典第 12 編第 417 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 238 頁）增訂本項，經 1934 年 1 月 30 日立法（法律輯錄第 48 冊第 339 頁）及 1968 年 6 月 19 日立法（法律輯錄第 82 冊第 189 頁）修正。〕

8. 刻製版模、聯邦準備鈔券之面額及格式

為提供適宜流通之聯邦準備鈔券，財政部長應核定有效防止偽造及變造之版模及印模，並應據以印製足供各聯邦準備銀行所需之 1 元、2 元、5 元、10 元、20 元、50 元、100 元、500 元、1000 元、5000 元及 10000 元面額之鈔票。前述鈔票之格式及要件應遵照財政部長依本法所定之指示辦理，並應載有發行聯邦準備銀行之識別字母。

〔見美國法典第 12 編第 418 條。經 1918 年 9 月 26 日立法（法律輯錄第 40 冊第 970 頁）、1963 年 6 月 4 日立法（法律輯錄第 77 冊第 54 頁）及 1994 年 9 月 23 日立法（法律輯錄第 108 冊第 2293 頁）修正。〕

9. 未發行鈔券之保管

鈔券印製後應即依本法所定根據財政部長命令，繳存至聯準會。

〔見美國法典第 12 編第 419 條。經 1920 年 5 月 29 日立法（法律輯錄第 41 冊第 654 頁）及 1994 年 9 月 23 日立法（法律輯錄第 108 冊第 2293 頁）修正。〕

10. Custody of Plates and Dies; Expenses of Issue and Retirement of Notes

The plates and dies to be procured by the Secretary of the Treasury for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the laws relating to the procuring of such notes, and all other expenses incidental to their issue and retirement, shall be paid by the Federal reserve banks, and the Board of Governors of the Federal Reserve System shall include in its estimate of expenses levied against the Federal reserve banks a sufficient amount to cover the expenses herein provided for.

[12 USC 420. Part of original Federal Reserve Act; not amended.]

11. Examinations of Plates, Dies, Etc.

The Secretary of the Treasury may examine the plates, dies, bed pieces, and other material used in the printing of Federal Reserve notes and issue regulations relating to such examinations.

[12 USC 421. As amended by act of Sept. 23, 1994 (108 Stat. 2293).]

12. Appropriation for Engraving, Etc.

Any appropriation heretofore made out of the general funds of the Treasury for engraving plates and dies, the purchase of distinctive paper, or to cover any other expense in connection with the printing of national-bank notes or notes provided for by the Act of May thirtieth, nineteen hundred and eight, and any distinctive paper that may be on hand at the time of the passage of this Act may be used in the discretion of the Secretary for the purposes of this Act, and should the appropriations heretofore made be insufficient to meet the requirements of this Act in addition to circulating notes provided for by existing law, the Secretary is hereby authorized to use so much of any funds in the Treasury not otherwise appropriated for the purpose of furnishing the notes aforesaid: *Provided, however*, That nothing in this section contained shall be construed as exempting national banks or Federal reserve banks from their liability to reimburse the United States for any expenses incurred in printing and issuing circulating notes.

[Omitted from U.S. Code. Part of original Federal Reserve Act. This paragraph was in effect amended by subsection (a) of section 1 of the Permanent Appropriation Repeal Act of 1934, approved June 26, 1934 (48 Stat. 1224; 31 USC, 725), which provides: " That effective July 1, 1935, such portions of any acts as provide permanent or continuing appropriations from the general fund of the Treasury to be disbursed under the appropriation accounts appearing on the books of the Government, and listed in subsection (b) of this section, are hereby repealed, and any unobligated balances under such accounts as of June 30, 1935, shall be covered into the surplus fund of the Treasury." Among the appropriation accounts listed in subsection (b) is that for the preparation and issue of Federal reserve notes.]

10.版模的保管、發行及回收聯邦準備鈔券之費用

財政部長為印製流通鈔券所購置之版模，仍應由其控管；為執行印製鈔券相關法律所生之必要費用及其他發行與回收相關費用，應由聯邦準備銀行負擔。聯準會應將本條所定費用列入其對聯邦準備銀行所徵收之預估費用。

〔見美國法典第 12 編第 420 條。本項係原法案條文，並無修正。〕

11.模版等之檢查

財政部長得檢查模版、底片及其他用於印製聯邦準備鈔券之材料，並發布相關檢查辦法。

〔見美國法典第 12 編第 421 條。經 1994 年 9 月 23 日立法（法律輯錄第 108 冊第 2293 頁）修正。〕

12.刻製模版等之預算撥款

財政部以往為刻製模版、購買識別紙張，或支付其他有關印刷聯邦註冊銀行鈔券或 1908 年 5 月 30 日立法所定之鈔券，及於本法通過時尚存之識別紙張所生之費用，而編列之普通基金，得由財政部長依本法之目的裁量撥用之。基金撥款除不敷依現存法規所發行之鈔券外，如有不足本法之要求時，得授權財政部長動支國庫中非編列用途為提供上述鈔券使用之基金，但本規定不應解釋為免除聯邦註冊銀行或聯邦準備銀行繳還聯邦政府有關印刷及發行鈔券所生費用之責任。

〔本條未列於美國法典內，係原法案條文。〕

13. Checks and Drafts to Be Received on Deposit at Par

Every Federal reserve bank shall receive on deposit at par from depository institutions or from Federal reserve banks checks and other items, including negotiable orders of withdrawal and share drafts and drafts drawn upon any of its depositors, and when remitted by a Federal reserve bank, checks and other items, including negotiable orders of withdrawal and share drafts and drafts drawn by any depositor in any other Federal reserve bank or depository institution upon funds to the credit of said depositor in said reserve bank or depository institution. Nothing herein contained shall be construed as prohibiting a depository institution from charging its actual expense incurred in collecting and remitting funds, or for exchange sold to its patrons. The Board of Governors of the Federal Reserve System shall, by rule, fix the charges to be collected by the depository institutions from its patrons whose checks and other items, including negotiable orders of withdrawal and share drafts are cleared through the Federal reserve bank and the charge which may be imposed for the service of clearing or collection rendered by the Federal reserve bank.

[12 USC 360. As amended by act of March 31, 1980 (94 Stat. 140).]

14. Transfer of Funds Among Federal Reserve Banks

The Board of Governors of the Federal Reserve System shall make and promulgate from time to time regulations governing the transfer of funds and charges therefor among Federal reserve banks and their branches, and may at its discretion exercise the functions of a clearing house for such Federal reserve banks, or may designate a Federal reserve bank to exercise such functions, and may also require each such bank to exercise the functions of a clearing house for depository institutions.

[12 USC 248-1. As amended by acts of Aug. 23, 1935 (49 Stat. 704) and March 31, 1980 (94 Stat. 140). Reclassified (previously 12 USC 248(o).]

15. Gold Deposits and Gold Certificate Deposits

The Secretary of the Treasury is hereby authorized and directed to receive deposits of gold or of gold certificates or of Special Drawing Right certificates with the Treasurer or any Assistant Treasurer of the United States when tendered by any Federal Reserve bank or Federal Reserve agent for credit to its or his account with the Board of Governors of the Federal Reserve System. The Secretary shall prescribe by regulation the form of receipt to be issued by the Treasurer or Assistant Treasurer to the Federal Reserve bank or Federal

13.支票及匯票按票面收存

任一聯邦準備銀行自存款機構或聯邦準備銀行所收受之支票、可轉讓提款單(negotiable order of withdrawal)、股金提款（share drafts）及存款戶所開匯票等，及由聯邦準備銀行所匯出至其他聯邦準備銀行或存款機構之存款戶所開之支票、可轉讓提款單、股金提款，及其他聯邦準備銀行或存款機構之存款人所開匯票而自該存款人之各該準備銀行或存款機構貸方餘額付款者，均應按票面收存。本條規定不應解釋為禁止存款機構收取有關代收及匯款，或出售匯票予顧客所生之實際費用。聯準會應頒佈法規訂定存款機構對經由聯邦準備銀行清算之支票、可轉讓提款單、股金提款等項目，得對顧客收取之手續費；及聯邦準備銀行對其提供之清算或代收服務，得收取之手續費。

〔見美國法典第 12 編第 360 條。經 1980 年 3 月 31 日立法（法律輯錄第 94 冊第 140 頁）修正。〕

14.聯邦準備銀行間之資金調撥

聯準會應隨時制定及公布聯邦準備銀行及其分行間資金調撥及應收費用之規定，並得為各該聯邦準備銀行執行清算所之任務，或指定一聯邦準備銀行執行該任務，且得要求各該準備銀行為存款機構執行清算所之任務。

〔見美國法典第 12 編第 248-1 條。經 1935 年 8 月 23 日立法（法律輯錄第 49 冊第 704 頁）及 1980 年 3 月 31 日立法（法律輯錄第 94 冊第 140 頁）修正。〕

15.黃金及黃金憑證之繳存

財政部長得收受聯邦準備銀行或聯邦準備代理人為貸記在其於聯準會之帳戶所繳存之黃金、黃金憑證或特別提款權憑證，並交由聯邦政府國庫署長或助理署長保管。財政部長應制訂規則，規定國庫署長或助理署長出具予繳存之聯邦準備

Reserve agent making the deposit, and a duplicate of such receipt shall be delivered to the Board of Governors of the Federal Reserve System by the Treasurer at Washington upon proper advices from any Assistant Treasurer that such deposit has been made. Deposits so made shall be held subject to the orders of the Board of Governors of the Federal Reserve System and deposits of gold or gold certificates shall be payable in gold certificates, and deposits of Special Drawing Right certificates shall be payable in Special Drawing Right certificates, on the order of the Board of Governors of the Federal Reserve System to any Federal Reserve bank or Federal Reserve agent at the Treasury or at the subtreasury of the United States nearest the place of business of such Federal Reserve bank or such Federal Reserve agent. The order used by the Board of Governors of the Federal Reserve System in making such payments shall be signed by the chairman or vice chairman, or such other officers or members as the Board may by regulation prescribe. The form of such order shall be approved by the Secretary of the Treasury.

[12 USC 467. As added by act of June 21, 1917 (40 Stat. 238); and amended by acts of Jan. 30, 1934 (48 Stat. 339) and June 19, 1968 (82 Stat. 189). Prior to enactment of the Banking Act of 1935, approved Aug. 23, 1935, the chairman and vice chairman of the Board of Governors of the Federal Reserve System were known as the governor and vice governor of the Federal Reserve Board, respectively. See note to section 1.]

16. Expenses

The expenses necessarily incurred in carrying out these provisions, including the cost of the certificates or receipts issued for deposits received, and all expenses incident to the handling of such deposits shall be paid by the Board of Governors of the Federal Reserve System and included in its assessments against the several Federal reserve banks.

[12 USC 467. As added by act of June 21, 1917 (40 Stat. 238).]

17. Preservation of Provisions of Act of March 14, 1900

Nothing in this section shall be construed as amending section six of the Act of March fourteenth, nineteen hundred, as amended by the Acts of March fourth, nineteen hundred and seven, March second, nineteen hundred and eleven, and June twelfth, nineteen hundred and sixteen, nor shall the provisions of this section be construed to apply to the deposits made or to the receipts or certificates issued under those Acts.

[12 USC 467. As added by act of June 21, 1917 (40 Stat. 239).]

銀行或聯邦準備代理人之收據格式，而國庫署長於華盛頓接獲任一助理署長關於收受繳存之正式通知後，應將收據副本送交聯準會。前揭繳存應依聯準會命令辦理，而原繳存之黃金及黃金憑證均應以黃金憑證償付之，特別提款權憑證則以特別提款權憑證償付之，並應依聯準會發給各該聯邦準備銀行或聯邦準備代理人之命令，於聯邦政府國庫署或與其營業所在地最近之國庫分署辦理之。聯準會為前述償還所為之命令，應經主席或副主席或其他由聯準會依所定規則指定之職員簽署之。前揭命令之格式應經財政部長核准。

〔見美國法典第 12 編第 467 條。經 1917 年 6 月 21 日立法（法律輯錄第 40 冊第 238 頁）增訂本項，經 1934 年 1 月 30 日立法（法律輯錄第 48 冊第 339 頁）及 1968 年 6 月 19 日立法（法律輯錄第 82 冊第 189 頁）修正。1935 年銀行法通過而於 1935 年 8 月 23 日生效以前，聯準會主席及副主席係稱為聯邦準備局總裁及副總裁。〕

16. 費用

執行前項規定之必要費用，包括因繳存所發之憑證與收據及因處理此項繳存手續所生費用，均應由聯準會支付，並納入其向各聯邦準備銀行收取之費用中。

〔見美國法典第 12 編第 467 條。經 1917 年 6 月 21 日立法（法律輯錄第 40 冊第 238 頁）增訂本項。〕

17. 保留一九〇〇年三月十四日立法之規定

本條規定不應解釋為修正 1900 年 3 月 14 日立法第 6 條（該項立法曾經 1907 年 3 月 4 日立法，1911 年 3 月 2 日及 1916 年 6 月 12 日立法修正），亦不應解釋為適用於前述法案規定之繳存或相關收據或憑證。

〔見美國法典第 12 編第 467 條。經 1917 年 6 月 21 日立法（法律輯錄第 40 冊第 239 頁）增訂本項。〕

Section 17. Deposit of Bonds by National Banks

1. Repeal of Provisions Requiring National Banks to Deposit Bonds with United States Treasurer

So much of the provisions of section fifty-one hundred and fifty-nine of the Revised Statutes of the United States, and section four of the Act of June twentieth, eighteen hundred and seventy-four, and section eight of the Act of July twelfth, eighteen hundred and eighty-two, and of any other provisions of existing statutes as require that before any national banking association shall be authorized to commence banking business it shall transfer and deliver to the Treasurer of the United States a stated amount of United States registered bonds, and so much of those provisions or of any other provisions of existing statutes as require any national banking association now or hereafter organized to maintain a minimum deposit of such bonds with the Treasurer is hereby repealed.

[12 USC 101a note. As amended by act of June 21, 1917 (40 Stat. 239).]

Section 18. Refunding Bonds

1. Application to Sell Bonds Securing Circulation

After two years from the passage of this Act, and at any time during a period of twenty years thereafter, any member bank desiring to retire the whole or any part of its circulating notes, may file with the Treasurer of the United States an application to sell for its account, at par and accrued interest, United States bonds securing circulation to be retired.

[12 USC 441. Part of original Federal Reserve Act; not amended. On March 11, 1935, the Secretary of the Treasury called for redemption on July 1, 1935, and Aug. 1, 1935, respectively, the only bonds of the United States bearing the circulating privilege after July 22, 1935, namely the 2 percent Consols of 1930 and the 2 percent Panama Canal Loan bonds of 1916-36 and 1918-38.]

2. Purchase of Bonds by Federal Reserve Banks

The Treasurer shall, at the end of each quarterly period, furnish the Board of Governors of the Federal Reserve System with a list of such applications, and the Board of Governors of the Federal Reserve System may, in its discretion, require the Federal reserve banks to purchase such bonds from the banks whose applications have been filed with the Treasurer at least ten days before the end of any quarterly period at which the Board of Governors of the Federal Reserve System may direct the purchase to be made: *Provided*, That Federal reserve banks shall not be permitted to purchase an amount to exceed $25,000,000 of such bonds in any one year, and which amount shall include bonds acquired under section four of this Act by the Federal reserve bank.

[12 USC 442. Part of original Federal Reserve Act; not amended.]

第 17 條　聯邦註冊銀行繳存之公債

1. 廢止要求聯邦註冊銀行向聯邦政府國庫署長繳存公債之規定

「修正法令」第 5159 條、1874 年 6 月 20 日法案第 4 條、1882 年 7 月 12 日法案第 8 條及現行法律要求聯邦註冊銀行於獲得營業許可前，應將一定數額之聯邦政府記名公債移轉並交付於聯邦政府國庫署長之規定，及前述暨現行法律要求現在或嗣後組成之聯邦註冊銀行繳存予國庫署長之公債應維持最低限額之規定，應予廢止。

〔見美國法典第 12 編第 101a 條附註。經 1917 年 6 月 21 日立法（法律輯錄第 40 冊第 239 頁）修正。〕

第 18 條　公債之償還

1.申請出售供擔保發行之公債

本法通過兩年後，及在其後 20 年期間，任一會員銀行欲將其所發行鈔券之全部或一部收回者，得向聯邦政府國庫署長申請，代其按面額附加利息出售擔保該回收鈔券之聯邦政府公債。

〔見美國法典第 12 編第 441 條。本項為原法案條文，並無修正。財政部長於 1935 年 3 月 11 日要求分別於 1935 年 7 月 1 日及 1935 年 8 月 1 日，將 1935 年 7 月 22 日後仍得作為發行鈔券擔保品之聯邦政府公債，即 1930 年發行年息 2%之統一公債，以及 1916 年發行 1936 年到期、1918 年發行 1938 年到期年息 2%之巴拿馬運河借款公債，全部償還回收。〕

2. 聯邦準備銀行購買公債

國庫署長應於每季季末送交聯準會前揭申請名單，聯準會得依其裁量要求聯邦準備銀行，向至少於季末 10 日前已向國庫署長申請之銀行購買該項公債，並依聯準會命令於當季進行該項購買。但聯邦準備銀行每年經核准購入之前揭公債，其總額不得超過 2500 萬美元，該總額並包括聯邦準備銀行依本法第 4 條所購入之公債。

〔見美國法典第 12 編第 442 條。本項係原法案條文，並無修正。〕

3. Allotment of Bonds to Be Purchased

Provided further, That the Board of Governors of the Federal Reserve System shall allot to each Federal reserve bank such proportion of such bonds as the capital and surplus of such bank shall bear to the aggregate capital and surplus of all the Federal reserve banks.

[12 USC 413. As amended by acts of June 21, 1917 (40 Stat. 236); Jan. 30, 1934 (48 Stat. 338); June 12, 1945 (59 Stat. 237); July 19, 1954 (68 Stat. 495); March 3, 1965 (79 Stat. 5); May 20, 1966 (80 Stat. 161); and March 18, 1968 (82 Stat. 50).]

4. Transfer and Payment

Upon notice from the Treasurer of the amount of bonds so sold for its account, each member bank shall duly assign and transfer, in writing, such bonds to the Federal reserve bank purchasing the same, and such Federal reserve bank shall, thereupon, deposit lawful money with the Treasurer of the United States for the purchase price of such bonds, and the Treasurer shall pay to the member bank selling such bonds any balance due after deducting a sufficient sum to redeem its outstanding notes secured by such bonds, which notes shall be canceled and permanently retired when redeemed.

[12 USC 443. Part of original Federal Reserve Act; not amended.]

5. Federal Reserve Bank Notes

The Federal reserve banks purchasing such bonds shall be permitted to take out an amount of circulating notes equal to the par value of such bonds.

[12 USC 444. Part of original Federal Reserve Act; not amended.]

6. Collateral for Notes; Form and Tenor; Redemption

Upon the deposit with the Treasurer of the United States, (a) of any direct obligations of the United States or (b) of any notes, drafts, bills of exchange, or bankers' acceptances acquired under the provisions of this Act, any Federal reserve bank making such deposit in the manner prescribed by the Secretary of the Treasury shall be entitled to receive from the Secretary of the Treasury circulating notes in blank, duly registered and countersigned. When such circulating notes are issued against the security of obligations of the United States, the amount of such circulating notes shall be equal to the face value of the direct obligations of the United States so deposited as security; and, when issued against the security of notes, drafts, bills of exchange and bankers' acceptances acquired under the provisions of this Act, the amount thereof shall be equal to not more than 90 per cent of the estimated value of such notes,

3. 購買公債之配額

有關前項規定，聯準會應按各該聯邦準備銀行之資本及盈餘佔所有聯邦準備銀行總資本及盈餘之比例分配公債購買額度。

〔見美國法典第 12 編第 413 條。經 1917 年 6 月 21 日立法（法律輯錄第 40 冊第 236 頁），1934 年 1 月 30 日立法（法律輯錄第 48 冊第 338 頁），1945 年 6 月 12 日立法（法律輯錄第 59 冊第 237 頁），1954 年 7 月 19 日立法（法律輯錄第 68 冊第 495 頁），1965 年 3 月 3 日立法（法律輯錄第 79 冊第 5 頁），1966 年 5 月 20 日立法（法律輯錄第 80 冊第 161 頁）及 1968 年 3 月 18 日立法（法律輯錄第 82 冊第 50 頁）修正。〕

4. 移轉及付款

會員銀行於收受國庫署長已為其代售之公債數額通知後，應適時以書面分配及移轉該公債予買受之聯邦準備銀行，而該聯邦準備銀行則應將購買公債之價金，以法定貨幣繳存聯邦政府國庫署長，由國庫署長扣除足供收回以該公債擔保發行之鈔券之款項後，付予該會員銀行。前揭鈔券於收回時，應即註銷並不得再為發行。

〔見美國法典第 12 編第 443 條。本項係原法案條文，並無修正。〕

5. 聯邦準備鈔券

購入此項公債之聯邦準備銀行得發行與該公債面額同數額之流通鈔券。

〔見美國法典第 12 編第 444 條。本項係原法案條文，並無修正。〕

6. 發行鈔券之擔保品、格式與程序、收回

聯邦準備銀行將(a)聯邦政府直接債務，或(b)依本法規定取得之本票、匯票或銀行承兌匯票，依財政部所定程序繳存聯邦國庫署長後，得向財政部長領取依法登記及加簽之空白流通鈔券。以聯邦政府直接債務為擔保而發行之流通鈔券，其數額應等於該聯邦政府直接債務之票面數額；以依本法規定所

drafts, bills of exchange and bankers' acceptances so deposited as security. Such notes shall be the obligations of the Federal reserve bank procuring the same, shall be in form prescribed by the Secretary of the Treasury, shall be receivable at par in all parts of the United States for the same purposes as are national bank notes, and shall be redeemable in lawful money of the United States on presentation at the United States Treasury or at the bank of issue. The Secretary of the Treasury is authorized and empowered to prescribe regulations governing the issuance, redemption, replacement, retirement and destruction of such circulating notes and the release and substitution of security therefor. Such circulating notes shall be subject to the same tax as is provided by law for the circulating notes of national banks secured by 2 per cent bonds of the United States. No such circulating notes shall be issued under this paragraph after the President has declared by proclamation that the emergency recognized by the President by proclamation of March 6, 1933, has terminated, unless such circulating notes are secured by deposits of bonds of the United States bearing the circulation privilege. When required to do so by the Secretary of the Treasury, each Federal reserve agent shall act as agent of the Treasurer of the United States or of the Secretary of the Treasury, or both, for the performance of any of the functions which the Treasurer or the Secretary of the Treasury may be called upon to perform in carrying out the provisions of this paragraph. Appropriations available for distinctive paper and printing United States currency or national bank currency are hereby made available for the production of the circulating notes of Federal reserve banks herein provided; but the United States shall be reimbursed by the Federal reserve bank to which such notes are issued for all expenses necessarily incurred in connection with the procuring of such notes and all other expenses incidental to their issue, redemption, replacement, retirement and destruction.

[Formerly 12 USC 445. As amended by acts of March 9, 1933 (48 Stat. 6); June 12, 1945 (59 Stat. 238); and Sept. 23, 1994 (108 Stat. 2293). This paragraph was in effect repealed by section 3 of the act of June 12, 1945, which provided:"All power and authority with respect to the issuance of circulating notes, known as Federal Reserve bank notes, pursuant to the sixth paragraph of section 18 of the Federal Reserve Act, as amended by section 401 of the Act approved March 9, 1933 (48 Stat. 1, 6), shall cease and terminate on the date of enactment of this Act."As to redemption of Federal Reserve bank notes when the bank of issue cannot be identified, see section 2 of the act of June 13, 1933 (12 USC 122a).]

取得之本票、匯票或銀行承兌匯票繳存為擔保品而發行之流通鈔券，其數額不得超過該本票、匯票或銀行承兌匯票估計價值之 90%。此項鈔券，應為申領之聯邦準備銀行之負債，並應依財政部長所定之格式，且得在美國境內依票面價值收受；其功能等同聯邦註冊銀行發行鈔券，且於向聯邦政府國庫署及發行銀行提示時，應以美國法定貨幣兌換之。財政部長有權制訂前揭流通鈔券之發行、兌付、更替、收回、銷毀及相關擔保品之發還與更替之規定。前揭流通鈔券，應與以年息 2%之聯邦政府公債為擔保而發行之聯邦註冊銀行鈔券，繳納相同稅率。總統宣布終止 1933 年 3 月 6 日頒布之緊急命令後，除繳存有發行流通鈔券特權之聯邦政府公債為擔保品外，不得依本規定發行前揭鈔券。聯邦準備代理人經奉財政部長命令，應擔任聯邦政府國庫署長或財政部長或兩者之代理人，代國庫署長或財政部長執行本法規定執行之職務。為供應識別紙張及印製聯邦政府貨幣、聯邦註冊銀行貨幣撥付之預算，得用於印製本項所定之聯邦準備銀行流通鈔券，但聯邦準備銀行應將取得該鈔券及發行、兌付、更替、收回與銷毀等費用繳還聯邦政府。

〔見美國法典原第 12 編第 445 條。經 1933 年 3 月 9 日立法（法律輯錄第 48 冊第 6 頁），1945 年 6 月 12 日立法（法律輯錄第 59 冊第 238 頁）及 1994 年 9 月 23 日立法（法律輯錄第 108 冊第 2293 頁）修正。本項實質上業經 1945 年 6 月 12 日法案第 3 條所廢止，其規定如下：「依聯邦準備法第 18 條第 6 項規定，所有關於發行流通鈔券之權力及授權，亦稱為聯邦準備銀行鈔券，經 1933 年 3 月 9 日立法（法律輯錄第 48 冊第 1 頁及第 6 頁）修正，應在本法制定後終止及廢止。」。關於收回聯邦準備銀行鈔券而無法識別其發行銀行者，參閱 1933 年 6 月 13 日法案第 2 條（美國法典第 12 編第 122a 條）。〕

7. Exchange of 2 Percent Gold Bonds for One-Year Gold Notes and 30-Year 3 Percent Gold Bonds

Upon application of any Federal reserve bank, approved by the Board of Governors of the Federal Reserve System, the Secretary of the Treasury may issue, in exchange for United States two per centum gold bonds bearing the circulation privilege, but against which no circulation is outstanding, one-year gold notes of the United States without the circulation privilege, to an amount not to exceed one-half of the two per centum bonds so tendered for exchange, and thirty-year three per centum gold bonds without the circulation privilege for the remainder of the two per centum bonds sotendered: *Provided*, That at the time of such exchange the Federal reserve bank obtaining such one-year gold notes shall enter into an obligation with the Secretary of the Treasury binding itself to purchase from the United States for gold at the maturity of such one-year notes, an amount equal to those delivered in exchange for such bonds, if so requested by the Secretary, and at each maturity of one-year notes so purchased by such Federal reserve bank, to purchase from the United States such an amount of one-year notes as the Secretary may tender to such bank, not to exceed the amount issued to such bank in the first instance, in exchange for the two per centum United States gold bonds; said obligation to purchase at maturity such notes shall continue in force for a period not to exceed thirty years.

[12 USC 446. Part of original Federal Reserve Act; not amended.]

8. Issue of One-Year Treasury Notes and 30-Year 3 Percent Gold Bonds

For the purpose of making the exchange herein provided for, the Secretary of the Treasury is authorized to issue at par Treasury notes in coupon or registered form as he may prescribe in denominations of one hundred dollars, or any multiple thereof, bearing interest at the rate of three per centum per annum, payable quarterly, such Treasury notes to be payable not more than one year from the date of their issue in gold coin of the present standard value, and to be exempt as to principal and interest from the payment of all taxes and duties of the United States except as provided by this Act, as well as from taxes in any form by or under State, municipal, or local authorities. And for the same purpose, the Secretary is authorized and empowered to issue United States gold bonds at par, bearing three per centum interest payable thirty years from date of issue, such bonds to be of the same general tenor and effect and to be issued under the same general terms and conditions as the United States three per centum bonds without the circulation privilege now issued and outstanding.

[12 USC 447. Part of original Federal Reserve Act; not amended.]

7. 以 1 年期黃金券及 30 年期年息 3%黃金公債兌換年息 2%黃金公債

財政部長於聯邦準備銀行申請兌換年息 2%附發行流通鈔券特權，但已無流通餘額之聯邦政府黃金公債，經聯準會許可者，得發行 1 年期無發行流通鈔券特權之聯邦政府黃金券，其數額不得超過申請換回之年息 2%黃金公債數額之半數，其餘半數則發行 30 年期年息 3%無發行流通鈔券特權之黃金公債換回之。但兌換時，取得該 1 年期黃金券之聯邦準備銀行，應承諾財政部長於該黃金券到期時，經財政部長要求則應向聯邦政府購入相同數額之黃金，而聯邦準備銀行於所購入之 1 年期黃金券到期時，經財政部長要求向聯邦政府購買之該 1 年期券數額，不得超過最初為換回年息 2%公債所發行之數額；此項到期日繼續購買承諾，有效期間不得超過 30 年。

〔見美國法典第 12 編第 446 條。本項係原法案條文，並無修正。〕

8. 發行 1 年期國庫券及 30 年期年息 3%黃金公債

為前述兌換之目的，茲授權財政部長得按票面發行附息票或記名式面額 100 美元或其倍數，利率年息 3%，每 3 個月付息 1 次之國庫券。前揭國庫券，應於發行後 1 年內以金幣現值償付，本息一切稅捐除本法另有規定外，應予免除；州、市或地方政府之稅捐，亦應免除。為同一目的，財政部長得按票面發行年息 3%，自發行日起 30 年還本之聯邦政府黃金公債，其一般條件及效力，與目前所發行且尚流通之年息 3%無發行流通鈔券特權之聯邦政府公債相同。

〔見美國法典第 12 編第 447 條。本項係原法案條文，並無修正。〕

9. Exchange of 3 Percent Bonds for One-Year Notes

Upon application of any Federal reserve bank, approved by the Board of Governors of the Federal Reserve System, the Secretary may issue at par such three per centum bonds in exchange for the one-year gold notes therein provided for.

[12 USC 448. Part of original Federal Reserve Act; not amended.]

Section 19. Bank Reserves

Definition of Terms

(a) The Board is authorized for the purposes of this section to define the terms used in this section, to determine what shall be deemed a payment of interest, to determine what types of obligations, whether issued directly by a member bank or indirectly by an affiliate of a member bank or by other means, and, regardless of the use of the proceeds, shall be deemed a deposit, and to prescribe such regulations as it may deem necessary to effectuate the purposes of this section and to prevent evasions thereof.

[12 USC 461(a). As amended by acts of June 21, 1917 (40 Stat. 239) (which completely revised this section); Aug. 23, 1935 (49 Stat. 714); Sept. 21, 1966 (80 Stat. 823) (as amended by acts of Sept. 21, 1967 (81 Stat. 226) and Sept. 21, 1968 (82 Stat. 856)); Dec. 23, 1969 (83 Stat. 374); Oct. 29, 1974 (88 Stat. 1557); and March 31, 1980 (94 Stat. 133, 138). The amendment inserting the words "and, regardless of the use of the proceeds," made by the act of Oct. 29, 1974, "shall not apply to any bank holding company which has filed prior to the date of enactment of this Act an irrevocable declaration with the Board of Governors of the Federal Reserve System to divest itself of all of its banks under section 4 of the Bank Holding Company Act, or to any debt obligation which is an exempted security under section 3(a)(3) of the Securities Act of 1933" (12 USC 461 note).]

Reserve Requirements

(b)

1. *Definitions*. The following definitions and rules apply to this subsection, subsection (c), section 11A, the first paragraph of section 13, and the second, thirteenth, and fourteenth paragraphs of section 16:
   A. The term "depository institution" means--
      i. any insured bank as defined in section 3 of the Federal Deposit Insurance Act or any bank which is eligible to make application to become an insured bank under section 5 of such Act;

9. 以 1 年期國庫券兌換年息 3%公債

聯邦準備銀行申請，經聯準會許可者，財政部長得按票面發行前揭年息 3%之公債，以換回 1 年期黃金國庫券。

〔見美國法典第 12 編第 448 條。本項係原法案條文，並無修正。〕

第 19 條　銀行之準備金

名詞定義

(a)聯準會得依本條規定目的，為本條所用名詞予以定義，俾以決定何者應視為利息支出、何種負債應視為存款，包括會員銀行直接發行或由其分支機構間接發行或以其他方式為之者，且不論收益用途；亦得為執行本條規定目的，訂定辦法及防止規避行為。

〔見美國法典第 12 編第 461(a)條。經 1917 年 6 月 21 日立法（法律輯錄第 40 冊第 239 頁）將本條全部修正，後經 1935 年 8 月 23 日立法（法律輯錄第 49 冊第 714 頁），1966 年 9 月 21 日立法（法律輯錄第 80 冊第 823 頁），1967 年 9 月 21 日（法律輯錄第 81 冊第 226 頁），1968 年 9 月 21 日立法（法律輯錄第 82 冊第 856 頁），1969 年 12 月 23 日立法（法律輯錄第 83 冊第 374 頁），1974 年 10 月 29 日立法（法律輯錄第 88 冊第 1557 頁）及 1980 年 3 月 31 日立法（法律輯錄第 94 冊第 133 頁及第 138 頁）修正。1974 年 10 月 29 日法案修正新增之「不論收益用途」等文字，不適用於本法制定前已依金融控股公司法第 4 條規定向聯準會提出不可撤銷聲明，分割所有銀行之金融控股公司，及依 1933 年證券法第 3 條(a) (3)，屬於豁免證券（an exempted security）負債者（美國法典第 12 編第 461 條附註）〕

存款準備金

(b)

1. 定義。以下定義及規則適用於本項、本條第(c)項、第 11A 條、第 13 條第 1 項及第 16 條第 2 項、第 13 項及第 14 項。
   A.「存款機構」指:
      i. 聯邦存款保險法第 3 條所定義之要保銀行，或依同法第 5 條規定得申請成為要保銀行之銀行。

ii. any mutual savings bank as defined in section 3 of the Federal Deposit Insurance Act or any bank which is eligible to make application to become an insured bank under section 5 of such Act;
iii. any savings bank as defined in section 3 of the Federal Deposit Insurance Act or any bank which is eligible to make application to become an insured bank under section 5 of such Act;
iv. any insured credit union as defined in section 101 of the Federal Credit Union Act or any credit union which is eligible to make application to become an insured credit union pursuant to section 201 of such Act;
v. any member as defined in section 2 of the Federal Home Loan Bank Act;
vi. any savings association (as defined in section 3 of the Federal Deposit Insurance Act) which is an insured depository institution (as defined in such Act) or is eligible to apply to become an insured depository institution under the Federal Deposit Insurance Act; and
vii. for the purpose of section 13 and the fourteenth paragraph of section 16, any association or entity which is wholly owned by or which consists only of institutions referred to in clauses (i) through (vi).

B. The term "bank" means any insured or non-insured bank, as defined in section 3 of the Federal Deposit Insurance Act, other than a mutual savings bank or a savings bank as defined in such section.

C. The term "transaction account" means a deposit or account on which the depositor or account holder is permitted to make withdrawals by negotiable or transferable instrument, payment orders of withdrawal, telephone transfers, or other similar items for the purpose of making payments or transfers to third persons or others. Such term includes demand deposits, negotiable order of withdrawal accounts, savings deposits subject to automatic transfers, and share draft accounts.

D. The term "nonpersonal time deposits" means a transferable time deposit or account or a time deposit or account representing funds deposited to the credit of, or in which any beneficial interest is held by, a depositor who is not a natural person.

E. The term "reservable liabilities" means transaction accounts, nonpersonal time deposits, and all net balances, loans, assets, and obligations which are, or may be, subject to reserve requirements under paragraph (5).

F. In order to prevent evasions of the reserve requirements imposed by this subsection, after consultation with the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the National Credit Union Administration Board, the Board of Governors of the Federal Reserve System is authorized to determine, by regulation or order, that an account or deposit is a transaction account if such account or deposit may be used to provide funds directly or indirectly for the purpose of making payments or transfers to third persons or others.

ii. 聯邦存款保險法第 3 條所定義之相互儲蓄銀行，或依同法第 5 條規定得申請成為要保銀行之銀行。
iii. 聯邦存款保險法第 3 條所定義之儲蓄銀行，或依同法第 5 條規定得申請成為要保銀行之銀行。
iv. 聯邦信用合作社法（Federal Credit Union Act）第 101 條所定義之要保信用合作社，或依同法第 201 條規定得申請成為要保信用合作社之信用合作社。
v. 聯邦住宅貸款銀行(Federal Home Loan Bank Act)第 2 條所定義之會員。
vi. 屬於要保存款機構（定義於聯邦存款保險法）之儲蓄協會（定義於同法第 3 條），或依聯邦存款保險法規定得申請成為要保存款機構之儲蓄協會。
vii. 為第 13 條及第 16 條第 14 項之目的，由(i)至(vi)所指機構單獨所有或由其組成之協會或主體。

B.「銀行」指聯邦存款保險法第 3 條所定義之相互儲蓄銀行，或儲蓄銀行以外之要保或非要保銀行。

C.「交易帳戶」指存款人或帳戶持有人經許可得利用可轉讓或可轉帳工具、取款憑條、電話轉帳等方式，支付或轉帳予第三人等之存款或帳戶。活期存款、可轉讓提款指令帳戶、自動轉帳儲蓄存款及股金提款帳戶均屬之。

D.「非個人定期存款」指可轉讓定期存款或帳戶，或定期存款或帳戶，而其資金存入之貸記對象或受益人，係為非自然人之存款人。

E.「應提準備之負債」指交易帳戶、非個人之定期存款及所有應依據或得依據第(5)款規定，提存款準備金之淨額、貸款、資產及債務。

F. 為防止規避本項所定存款準備金要求之目的，聯準會經與聯邦存款保險公司董事會、通貨監理局局長及國家信用合作社管理局委員會諮商後，得以規則或命令規定得直接或間接為支付或移轉第三人等之目的，而提供資金之帳戶或存款為交易帳戶。

2. Reserve requirements.

A. Each depository institution shall maintain reserves against its transaction accounts as the Board may prescribe by regulation solely for the purpose of implementing monetary policy--

i. in the ratio of not greater than 3 percent (and which may be zero) for that portion of its total transaction accounts of $25,000,000 or less, subject to subparagraph (C); and

ii. in the ratio of 12 per centum, or in such other ratio as the Board may prescribe not greater than 14 per centum (and which may be zero), for that portion of its total transaction accounts in excess of $25,000,000, subject to subparagraph (C).

B. Each depository institution shall maintain reserves against its nonpersonal time deposits in the ratio of 3 per centum, or in such other ratio not greater than 9 per centum and not less than zero per centum as the Board may prescribe by regulation solely for the purpose of implementing monetary policy.

C. Beginning in 1981, not later than December 31 of each year the Board shall issue a regulation increasing for the next succeeding calendar year the dollar amount which is contained in subparagraph (A) or which was last determined pursuant to this subparagraph for the purpose of such subparagraph, by an amount obtained by multiplying such dollar amount by 80 per centum of the percentage increase in the total transaction accounts of all depository institutions. The increase in such transaction accounts shall be determined by subtracting the amount of such accounts on June 30 of the preceding calendar year from the amount of such accounts on June 30 of the calendar year involved. In the case of any such 12-month period in which there has been a decrease in the total transaction accounts of all depository institutions, the Board shall issue such a regulation decreasing for the next succeeding calendar year such dollar amount by an amount obtained by multiplying such dollar amount by 80 per centum of the percentage decrease in the total transaction accounts of all depository institutions. The decrease in such transaction accounts shall be determined by subtracting the amount of such accounts on June 30 of the calendar year involved from the amount of such accounts on June 30 of the previous calendar year.

D. Any reserve requirement imposed under this subsection shall be uniformly applied to all transaction accounts at all depository institutions. Reserve requirements imposed under this subsection shall be uniformly applied to nonpersonal time deposits at all depository institutions, except that such requirements may vary by the maturity of such deposits.

2. *存款準備金*

A. 存款機構應依聯準會為執行貨幣政策所定之規則，就交易帳戶提存準備金－

i. 依第(c)目規定，交易帳戶金額為 2500 萬元以下者，提存比率不超過 3%（該比率並得為 0）。

ii. 依第(c)目規定，交易帳戶金額超過 2500 萬美元者，提存比率為 12%，或依聯準會所定不超過 14%之比率（該比率並得為 0）。

B. 存款機構應對非個人定期存款提 3%準備金，或依聯準會為執行貨幣政策所定之規則，於大於 0%且在不超過 9%之範圍內所定之比率提準備金。

C. 自 1981 年起，聯準會應於每年年底公布次年提高第(A)目所定之金額，或前次依本目之目的及依本目所定金額，作為次年之用。增加之金額為將上述金額乘上全體存款機構交易帳戶增加率之 80%。交易帳戶增加額應以該帳戶當年 6 月 30 日之金額減去該帳戶前一年 6 月 30 日之金額決定之。如該 12 個月期間，全體存款機構交易帳戶總額減少，聯準會應按原金額乘上全體存款機構交易帳戶減少比率 80%金額降低次年金額。交易帳戶減少金額應以該帳戶前一年 6 月 30 日之金額減去該帳戶當年 6 月 30 日之金額決定之。

D. 本項所定存款準備金規定適用於全體存款機構所有交易帳戶。本項所定存款準備金規定適用於全體存款機構所有非個人定期存款，但準備率得因存款期限不同而有差異。

3.Waiver of ratio limits in extraordinary circumstances.
Upon a finding by at least 5 members of the Board that extraordinary circumstances require such action, the Board, after consultation with the appropriate committees of the Congress, may impose, with respect to any liability of depository institutions, reserve requirements outside the limitations as to ratios and as to types of liabilities otherwise prescribed by paragraph (2) for a period not exceeding 180 days, and for further periods not exceeding 180 days each by affirmative action by at least 5 members of the Board in each instance. The Board shall promptly transmit to the Congress a report of any exercise of its authority under this paragraph and the reasons for such exercise of authority.

4.Supplemental reserves.

A.The Board may, upon the affirmative vote of not less than 5 members, impose a supplemental reserve requirement on every depository institution of not more than 4 per centum of its total transaction accounts. Such supplemental reserve requirement may be imposed only if--

i. the sole purpose of such requirement is to increase the amount of reserves maintained to a level essential for the conduct of monetary policy;

ii. such requirement is not imposed for the purpose of reducing the cost burdens resulting from the imposition of the reserve requirements pursuant to paragraph (2);

iii. such requirement is not imposed for the purpose of increasing the amount of balances needed for clearing purposes; and

iv. on the date on which the supplemental reserve requirement is imposed, except as provided in paragraph (11), the total amount of reserves required pursuant to paragraph (2) is not less than the amount of reserves that would be required if the initial ratios specified in paragraph (2) were in effect.

B.The Board may require the supplemental reserve authorized under subparagraph (A) only after consultation with the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the National Credit Union Administration Board. The Board shall promptly transmit to the Congress a report with respect to any exercise of its authority to require supplemental reserves under subparagraph (A) and such report shall state the basis for the determination to exercise such authority.

C. If a supplemental reserve under subparagraph (A) has been required of depository institutions for a period of one year or more, the Board shall review and determine the need for continued maintenance of supplemental reserves and shall transmit annual reports to the Congress regarding the need, if any, for continuing the supplemental reserve.

3. 於特殊情況免除比率限制
聯準會於理事5人以上認為情況特殊時，經與國會相關委員會諮商後，得以180天為限期，對存款機構之任何債務訂定超出第(2)款所定比率限制及債務種類之存款準備率。前述準備率之適用期限，得因聯準會理事5人以上同意延長180天。聯準會應將依本款規定執行職權之報告及理由立即轉送國會。

4. 附加準備金

A.聯準會經理事5人以上投票贊成，得於下列情形對各存款機構交易帳戶總額，訂定4%以下之附加準備金：

i. 訂定該準備金之唯一目的應係使準備金數量增至符合貨幣政策所必要之水準。

ii. 訂定該準備金之目的非為降低第(2)款所定存款準備金之成本負擔。

iii. 訂定該準備金之目的非為增加清算用之餘額。

iv. 訂定附加準備金時，除第(11)款另有規定者外，依第(2)款所定準備金總額不得少於第(2)款生效時所定最初比率之應提準備金總額。

B.聯準會僅於與聯邦存款保險公司董事會、通貨監理局局長及國家信用合作社管理局委員會諮商後，始得依第(A)目之授權規定訂定附加準備金。聯準會並應立即呈送國會依第(A)目規定行使訂定附加準備金職權之報告，說明其決定行使該職權之依據。

C.如依第(A)目規定對存款機構徵提附加準備金達一年以上者，聯準會應檢討及決定須否續提附加準備金，如有必要時，並應將續提附加準備金之年度報告，轉送國會。

D.Any supplemental reserve imposed under subparagraph (A) shall terminate at the close of the first 90-day period after such requirement is imposed during which the average amount of reserves required under paragraph (2) are less than the amount of reserves which would be required during such period if the initial ratios specified in paragraph (2) were in effect.

5.Reserves related to foreign obligations or assets.

Foreign branches, subsidiaries, and international banking facilities of nonmember depository institutions shall maintain reserves to the same extent required by the Board of foreign branches, subsidiaries, and international banking facilities of member banks. In addition to any reserves otherwise required to be maintained pursuant to this subsection, any depository institution shall maintain reserves in such ratios as the Board may prescribe against--

A. net balances owed by domestic offices of such depository institution in the United States to its directly related foreign offices and to foreign offices of non-related depository institutions;

B. loans to United States residents made by overseas offices of such depository institution if such depository institution has one or more offices in the United States; and

C. assets (including participations) held by foreign offices of a depository institution in the United States which were acquired from its domestic offices.

6.Exemption for certain deposits.

The requirements imposed under paragraph (2) shall not apply to deposits payable only outside the States of the United States and the District of Columbia, except that nothing in this subsection limits the authority of the Board to impose conditions and requirements on member banks under section 25 of this Act or the authority of the Board under section 7 of the International Banking Act of 1978 (12 U.S.C. 3105).

7.Discount and borrowing.

Any depository institution in which transaction accounts or nonpersonal time deposits are held shall be entitled to the same discount and borrowing privileges as member banks. In the administration of discount and borrowing privileges, the Board and the Federal Reserve banks shall take into consideration the special needs of savings and other depository institutions for access to discount and borrowing facilities consistent with their long-term asset portfolios and the sensitivity of such institutions to trends in the national money markets.

D.依第(A)目規定實施附加準備金後 90 天內，依第(2)款所定準備金平均數額如有少於第(2)款生效時所定最初比率應有準備金之總額時，應於該附加準備金實施後 90 天期間結束時終止之。

5. 有關國外債務或資產之準備金

非會員存款機構國外分行、子公司及國際銀行業務部門（international banking facilities）應提存之準備金，與聯準會對會員銀行國外分行、子公司及國際銀行業務部門所定之比率相同。除本項所定應提存之準備金外，存款機構應依聯準會所定比率就下列項目提存準備金：

A.美國境內存款機構國內營業處所對與其直接相關的國外營業處所及與其不相關之其他存款機構之國外營業處所之負債餘額。

B.美國境內有一個以上營業處所之存款機構，其海外營業處所對美國居住民之貸款。

C.美國境內存款機構之國外營業處所自其國內營業處所所取得之資產（包括參加存款）。

6. 不適用存款準備金規定之特定存款

第⑵款規定不適用於在美國各州及哥倫比亞特區境外支付之存款。但本項規定並非限制聯準會依本法第 25 條或 1978 年國際銀行法（The International Banking Act）第 7 條規定對會員銀行實施附加條件或規定之權限。

7. 貼現與融通

凡設有交易帳戶或非個人定期存款之存款機構，均享有與會員銀行相同之貼現及融通特權。聯準會及聯邦準備銀行管理貼現與融通特權時，應配合儲蓄及其他存款機構長期資產組合及該等機構對全國貨幣市場之敏感性，衡量其對於貼現及融通之特殊需求。

8. Transitional adjustments.

A. Any depository institution required to maintain reserves under this subsection which was engaged in business on July 1, 1979, but was not a member of the Federal Reserve System on or after that date, shall maintain reserves against its deposits during the first twelve-month period following the effective date of this paragraph in amounts equal to one-eighth of those otherwise required by this subsection, during the second such twelve-month period in amounts equal to one-fourth of those otherwise required, during the third such twelve-month period in amounts equal to three-eighths of those otherwise required, during the fourth twelve-month period in amounts equal to one-half of those otherwise required, and during the fifth twelve-month period in amounts equal to five-eighths of those otherwise required, during the sixth twelve-month period in amounts equal to three-fourths of those otherwise required, and during the seventh twelve-month period in amounts equal to seven-eighths of those otherwise required. This subparagraph does not apply to any category of deposits or accounts which are first authorized pursuant to Federal law in any State after April 1, 1980.

B. With respect to any bank which was a member of the Federal Reserve System during the entire period beginning on July 1, 1979, and ending on the effective date of the Monetary Control Act of 1980, the amount of required reserves imposed pursuant to this subsection on and after the effective date of such Act that exceeds the amount of reserves which would have been required of such bank if the reserve ratios in effect during the reserve computation period immediately preceding such effective date were applied may, at the discretion of the Board and in accordance with such rules and regulations as it may adopt, be reduced by 75 per centum during the first year which begins after such effective date, 50 per centum during the second year, and 25 per centum during the third year.

C. i. With respect to any bank which is a member of the Federal Reserve System on the effective date of the Monetary Control Act of 1980, the amount of reserves which would have been required of such bank if the reserve ratios in effect during the reserve computation period immediately preceding such effective date were applied that exceeds the amount of required reserves imposed pursuant to this subsection shall, in accordance with such rules and regulations as the Board may adopt, be reduced by 25 per centum during the first year which begins after such effective date, 50 per centum during the second year, and 75 per centum during the third year.

8. 過渡時期之調整

A.於 1979 年 7 月 1 日已營業，且在該日及其後非為聯邦準備制度會員而依本項規定應提準備金之存款機構，應於本款生效日起 12 個月內，對其存款提存本項所定應提準備金總額之 1/8，第 2 個 12 個月內應提存至 1/4，第 3 個 12 個月內應提存至 3/8，第 4 個 12 個月內應提存至 1/2，第 5 個 12 個月內應提存至 5/8，第 6 個 12 個月內應提存至 3/4，第 7 個 12 個月內應提存至 7/8。本目規定不適用於 1980 年 4 月 1 日後，各州內依聯邦法律首次授權之各類存款或帳戶。

B.於 1979 年 7 月 1 日起至 1980 年貨幣管制法（the Monetary Control Act）生效日止之整段期間內均屬聯邦準備制度會員之銀行，於該法生效日及其後，依本項規定應提準備金數額如超過該銀行於生效日之前一準備金計算期間依當時準備金比率應提準備金數額，聯準會得依裁量及其發布之法規，就不足部分之提存，於生效日起第 1 年期間得減少 75%，第 2 年期間得減少 50%，第 3 年期間得減少 25%。

C.i. 於 1980 年貨幣管制法生效日為聯邦準備制度會員之銀行，於該法生效日前一準備金計算期間依當時準備金比率之應提準備金數額如超過依本項規定所應提之準備金數額，超提準備金應依聯準會所發布之法規於生效日後第 1 年減少 25%、第 2 年減少 50%、第 3 年減少 75%。

ii. If a bank becomes a member bank during the four-year period beginning on the effective date of the Monetary Control Act of 1980, and if the amount of reserves which would have been required of such bank, determined as if the reserve ratios in effect during the reserve computation period immediately preceding such effective date were applied, and as if such bank had been a member during such period, exceeds the amount of reserves required pursuant to this subsection, the amount of reserves required to be maintained by such bank beginning on the date on which such bank becomes a member of the Federal Reserve System shall be the amount of reserves which would have been required of such bank if it had been a member on the day before such effective date, except that the amount of such excess shall, in accordance with such rules and regulations as the Board may adopt, be reduced by 25 per centum during the first year which begins after such effective date, 50 per centum during the second year, and 75 per centum during the third year.

D.i. Any bank which was a member bank on July 1, 1979, and which withdraws from membership in the Federal Reserve System during the period beginning on July 1, 1979, and ending on March 31, 1980, shall maintain reserves during the first twelve-month period beginning on the date of enactment of this clause in amounts equal to one-half of those otherwise required by this subsection, during the second such twelve-month period in amounts equal to two-thirds of those otherwise required, and during the third such twelve-month period in amounts equal to five-sixths of those otherwise required.

ii. Any bank which withdraws from membership in the Federal Reserve System on or after the date of enactment of the Depository Institutions Deregulation and Monetary Control Act of 1980 shall maintain reserves in the same amount as member banks are required to maintain under this subsection, pursuant to subparagraphs (B) and (C)(i).

E. This subparagraph applies to any depository institution that, on August 1, 1978, (i) was engaged in business as a depository institution in a State outside the continental limits of the United States, and (ii) was not a member of the Federal Reserve System at any time on or after such date. Such a depository institution shall not be required to maintain reserves against its deposits held or maintained at its offices located in a State outside the continental limits of the United States until the first day of the sixth calendar year which begins after the effective date of the Monetary Control Act of 1980. Such a depository institution shall maintain reserves against its deposits during the sixth calendar year which begins after such effective date in an amount equal to one-eighth of that otherwise required by paragraph (2), during the seventh such year in an amount equal to one-fourth of that otherwise required, during the eighth such year in an amount equal to three-eighths of that otherwise required, during the ninth such year in an amount equal to one-half of that otherwise required, during the tenth such year in an amount equal to five-eighths of that otherwise required, during the eleventh such year in an amount equal to three-fourths of that otherwise required, and during the twelfth such year in an amount equal to seven-eighths of that otherwise required.

ii. 銀行於 1980 年貨幣管制法生效日起 4 年內成為會員者，該銀行如於該法生效日前一準備金計算期間已成為會員，依當時準備金比率應提準備金數額超過依本項規定應提準備金數額者，則該銀行自成為聯邦準備體系會員日起應提準備金數額，與該行如在貨幣管制法生效前已成為會員時應提準備金數額相同；超額提存準備金數額，應依聯準會所發布之法規於該生效日起之第 1 年減少 25%、第 2 年減少 50%及第 3 年減少 75%。

D.i. 於 1979 年 7 月 1 日為聯邦準備制度會員銀行，而於 1979 年 7 月 1 日至 1980 年 3 月 31 日間退出會員之銀行，於本款生效日起之第 1 個 12 個月期間應提存相當於本項規定法定準備金數額之 1/2，第 2 個 12 個月期間應提存 2/3，第 3 個 12 個月期間應提存 5/6。

ii. 於 1980 年存款機構解除管制與貨幣管制法(the Depository Institutions Deregulation and Monetary Control Act of 1980)制定生效日或其後退出聯邦準備制度會員之銀行，應依本項規定提存與會員銀行依第(B)目及第(C)(i)目規定應提數額相同之準備金。

E. 本目規定適用於 1978 年 8 月 1 日(i)於美國境外營業之存款機構，及(ii)於該日或其後非為聯邦準備制度會員之存款機構。該存款機構於 1980 年貨幣管制法生效後 5 年內，不須就其位於美國境外之營業處所所持有或保有之存款提存準備金。該存款機構應於該生效日起之第 6 個日曆年之第 1 天，對其存款提存相當於第(2)款所定應提準備金之 1/8；於第 7 年期間應提至 1/4、於第 8 年期間應提至 3/8、於第 9 年期間應提至 1/2、於第 10 年期間應提至 5/8、於第 11 年期間應提至 3/4、於第 12 年期間應提至 7/8。

9. Exemption. This subsection shall not apply with respect to any financial institution which--

A. is organized solely to do business with other financial institutions;

B. is owned primarily by the financial institutions with which it does business; and

C. does not do business with the general public.

10. Waivers. In individual cases, where a Federal supervisory authority waives a liquidity requirement, or waives the penalty for failing to satisfy a liquidity requirement, the Board shall waive the reserve requirement, or waive the penalty for failing to satisfy a reserve requirement, imposed pursuant to this subsection for the depository institution involved when requested by the Federal supervisory authority involved.

11. Additional exemptions.

A. i. Notwithstanding the reserve requirement ratios established under paragraphs (2) and (5) of this subsection, a reserve ratio of zero per centum shall apply to any combination of reservable liabilities, which do not exceed $2,000,000 (as adjusted under subparagraph (B)), of each depository institution.

ii. Each depository institution may designate, in accordance with such rules and regulations as the Board shall prescribe, the types and amounts of reservable liabilities to which the reserve ratio of zero per centum shall apply, except that transaction accounts which are designated to be subject to a reserve ratio of zero per centum shall be accounts which would otherwise be subject to a reserve ratio of 3 per centum under paragraph (2).

iii. The Board shall minimize the reporting necessary to determine whether depository institutions have total reservable liabilities of less than $2,000,000 (as adjusted under subparagraph (B)). Consistent with the Board's responsibility to monitor and control monetary and credit aggregates, depository institutions which have reserve requirements under this subsection equal to zero per centum shall be subject to less overall reporting requirements than depository institutions which have a reserve requirement under this subsection that exceeds zero per centum.

B. i. Beginning in 1982, not later than December 31 of each year, the Board shall issue a regulation increasing for the next succeeding calendar year the dollar amount specified in subparagraph (A), as previously adjusted under this subparagraph, by an amount obtained by multiplying such dollar amount by 80 per centum of the percentage increase in the total reservable liabilities of all depository institutions.

9. 豁免條款。本項規定不適用於下列金融機構：

A. 僅為與其他金融機構進行交易所設立者；

B. 該金融機構主要為與其進行交易者所有；

C. 不對公眾營業者。

10. 免除適用

當聯邦監理機關就個別情形免除流動性準備之要求，或免除違反流動性準備規定之處罰者，聯準會應於該聯邦監理機關提出請求時，免除相關存款機構依本項規定提存準備金之義務，或免除其違反準備金規定之處罰。

11. 附加豁免條款

A. i. 縱有本項第(2)款及第(5)款存款準備率之規定，存款機構應提準備金負債總額不超過 200 萬美元（得依第(B)目規定調整之）者，應適用之準備率為零。

ii. 存款機構得依聯準會所定法規指定應適用零準備率之應提存準備金之負債種類及數額，但應適用零準備率之交易帳戶應為依第(2)款規定原應以 3%之準備率計算者。

iii. 聯準會應儘量減低評定存款機構全部提存準備金負債是否低於 200 萬美元（得依第(B)目規定調整之）所需之報告。為與聯準會監督及控制貨幣及信用總計數之職責一致，依本項規定應適用之準備率為零之存款機構，其所適用之應提整體報告規定應少於依本項規定所適用之準備率超過零之存款機構。

B. i. 自 1982 年起，聯準會應於每年底發布規則提高第(A)目所定數額作為次年之用，增加數額為原訂金額乘上全體存款機構應提準備金負債增加率之 80%。

ii. The increase in total reservable liabilities shall be determined by subtracting the amount of total reservable liabilities on June 30 of the preceding calendar year from the amount of total reservable liabilities on June 30 of the calendar year involved. In the case of any such twelve-month period in which there has been a decrease in the total reservable liabilities of all depository institutions, no adjustment shall be made. A decrease in total reservable liabilities shall be determined by substracting the amount of total reservable liabilities on June 30 of the calendar year involved from the amount of total reservable liabilities on June 30 of the previous calendar year.

12.Earnings on balances.

A. Balances maintained at a Federal Reserve bank by or on behalf of a depository institution may receive earnings to be paid by the Federal Reserve bank at least once each calendar quarter, at a rate or rates not to exceed the general level of short-term interest rates.

B. The Board may prescribe regulations concerning--

i. the payment of earnings in accordance with this paragraph;

ii. the distribution of such earnings to the depository institutions which maintain balances at such banks, or on whose behalf such balances are maintained; and

iii. the responsibilities of depository institutions, Federal Home Loan Banks, and the National Credit Union Administration Central Liquidity Facility with respect to the crediting and distribution of earnings attributable to balances maintained, in accordance with subsection (c)(1)(A), in a Federal Reserve bank by any such entity on behalf of depository institutions.

C. For purposes of this paragraph, the term "depository institution", in addition to the institutions described in paragraph (1)(A), includes any trust company, corporation organized under section 25A or having an agreement with the Board under section 25, or any branch or agency of a foreign bank (as defined in section 1(b) of the International Banking Act of 1978).

ii. 應提準備金之負債增加數，應以當年 6 月 30 日應提準備金負債總額扣減上年 6 月 30 日應提準備金之負債總額決定之。如任一年度全體存款機構之應提準備金之負債總額減少，則不須調整該數額。應提存準備金負債數額是否減少，應以上年 6 月 30 日應提準備金之負債總數扣減當年 6 月 30 日應提存準備金之負債總數決定之。

12.準備金餘額之收益

A. 聯邦準備銀行得就存款機構或其代表在聯邦準備銀行之準備金餘額，每季至少一次予以付息，計息利率不應超過一般短期利率。

B. 聯準會得就下列事項訂定規定：

i. 依本款所支付之收益；

ii. 存款機構或其代表在聯邦準備銀行之準備金餘額收益之分派；

iii. 關於依(c)(1)(A)規定對代表存款機構之主體於聯邦準備銀行之準備金餘額收益之貸記及分派，存款機構、聯邦住宅貸款銀行（Federal Home Loan Banks）及國家信用合作社管理局委員會中央流動基金（National Credit Union Administration Central Liquidity Facility）所負之責任。

C. 基於本項之目的，本項所稱「存款機構」除本條第(1)(A)項所定機構外，並包括任何信託公司、依第 25 條第 A 項成立或依第 25 條規定與聯準會達成協議之公司或外國銀行（定義見 1978 年國際銀行法第 1(b)條）之分行或辦事處。

[12 USC 461(b). As amended by acts of June 21, 1917 (40 Stat. 239); Sept. 26, 1918 (40 Stat. 970); May 12, 1933 (48 Stat. 54); Aug. 23, 1935 (49 Stat. 706); July 7, 1942 (56 Stat. 648); July 28, 1959 (73 Stat. 264) effective July 28, 1962; Sept. 21, 1966 (80 Stat. 823) (as amended by acts of Sept. 21, 1967 (81 Stat. 226) and Sept. 21, 1968 (82 Stat. 856)); Dec. 23, 1969 (83 Stat. 375); March 31, 1980 (94 Stat. 133, 138); Aug. 13, 1981 (95 Stat. 433); Oct. 15, 1982 (96 Stat. 1520, 1521); Aug. 9, 1989 (103 Stat. 439); Oct. 13, 2006 (120 Stat. 1968, 1969); and July 21, 2010 (124 Stat. 1556). Amendments to subsection 19(b) act of October 13, 2006, were to be effective on October 1, 2011, but Sec. 128 of the act of October 3, 2008 (122 Stat. 3796) accelerated the effective date to October 1, 2008.]

Promulgation of Rules and Regulations Regarding Maintenance of Balances

(c) 1. Reserves held by a depository institution to meet the requirements imposed pursuant to subsection (b) shall, subject to such rules and regulations as the Board shall prescribe, be in the form of--

A. balances maintained for such purposes by such depository institution in the Federal Reserve bank of which it is a member or at which it maintains an account, except that (i) the Board may, by regulation or order, permit depository institutions to maintain all or a portion of their required reserves in the form of vault cash, except that any portion so permitted shall be identical for all depository institutions, and (ii) vault cash may be used to satisfy any supplemental reserve requirement imposed pursuant to subsection (b)(4), except that all such vault cash shall be excluded from any computation of earnings pursuant to subsection (b); and

B. balances maintained by a depository institution in a depository institution which maintains required reserve balances at a Federal Reserve bank, in a Federal Home Loan Bank, or in the National Credit Union Administration Central Liquidity Facility, if such depository institution, Federal Home Loan Bank, or National Credit Union Administration Central Liquidity Facility maintains such funds in the form of balances in a Federal Reserve bank of which it is a member or at which it maintains an account. Balances received by a depository institution from a second depository institution and used to satisfy the reserve requirement imposed

〔見美國法典第 12 編第 461(b)條。經 1917 年 6 月 21 日立法（法律輯錄第 40 冊第 239 頁），1918 年 9 月 26 日立法（法律輯錄第 40 冊第 970 頁），1933 年 5 月 12 日立法（法律輯錄第 48 冊第 54 頁），1935 年 8 月 23 日立法（法律輯錄第 49 冊第 706 頁），1942 年 7 月 7 日立法（法律輯錄第 56 冊第 648 頁），1959 年 7 月 28 日立法（法律輯錄第 73 冊第 264 頁）1962 年 7 月 28 日生效；1966 年 9 月 21 日立法（法律輯錄第 80 冊第 823 頁）。本法復經 1967 年 9 月 21 日立法（法律輯錄第 81 冊第 226 頁）及 1968 年 9 月 21 日立法（法律輯錄第 82 冊第 856 頁）修正。），1969 年 12 月 23 日立法（法律輯錄第 83 冊第 375 頁），1980 年 3 月 31 日立法（法律輯錄第 94 冊第 133、138 頁），1981 年 8 月 13 日立法（法律輯錄第 95 冊第 433 頁），1982 年 10 月 15 日立法（法律輯錄第 96 冊第 1520 頁、1521 頁），1989 年 8 月 9 日立法（法律輯錄第 103 冊第 439 頁），2006 年 10 月 13 日立法（法律輯錄第 120 冊第 1968 頁、1969 頁），2010 年 7 月 21 日立法（法律輯錄第 124 冊第 1556 頁）修正。2006 年 10 月 13 日第 19(b)條修正條文原訂於 2011 年 10 月 1 日生效，然 2008 年 10 月 3 日立法之第 128 條（法律輯錄第 122 冊第 3796 頁）將施行日期提前至 2008 年 10 月 1 日。〕

有關提列準備金相關法規之發布

(c)1.存款機構依第(b)項規定應提存之準備金，應依聯準會所定規則以下列形式提列：

A.存款機構應將準備金存款存放於其為會員或設有帳戶之聯邦準備銀行。但(i)聯準會得以規則或命令核准存款機構將其應提準備金之全部或一部以庫存現金方式抵充，惟經核准得以庫存現金抵充者，全體存款機構均應適用相同比例。(ii)庫存現金得用以抵充第(b)(4)項所規定之附加準備金。但依第(b)項所為之收益計算，均須排除該等庫存現金。

B.存款機構應將準備金存放於聯邦準備銀行保有法定準備餘額之存款機構、聯邦住宅貸款銀行或國家信用合作社管理局委員會中央流動基金（National Credit Union Administration Central Liquidity Facility）。但該存款機構、聯邦住宅貸款銀行或國家信用合作社管理局中央流動基金應將該資金存放於其為會員或設有帳戶之聯邦準備銀

on such second depository institution by this section shall not be subject to the reserve requirements of this section imposed on such first depository institution, and shall not be subject to assessments or reserves imposed on such first depository institution pursuant to section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817), section 404 of the National Housing Act (12 U.S.C. 1727), or section 202 of the Federal Credit Union Act (12 U.S.C. 1782).

C. The balances maintained to meet the reserve requirements of subsection (b) by a depository institution in a Federal Reserve bank or passed through a Federal Home Loan Bank or the National Credit Union Administration Central Liquidity Facility or another depository institution to a Federal Reserve bank may be used to satisfy liquidity requirements which may be imposed under other provisions of Federal or State law.

[12 USC 461(c). As amended by acts of Aug. 15, 1914 (38 Stat. 691); June 21, 1917 (40 Stat. 239); July 28, 1959 (73 Stat. 263); Sept. 21, 1966 (80 Stat. 823) (as amended by acts of Sept. 21, 1967 (81 Stat. 226) and Sept. 21, 1968 (82 Stat. 856)); Dec. 23, 1969 (83 Stat. 375); March 31, 1980 (94 Stat. 133, 138); Oct 13, 2006 (120 Stat. 1969, 1980).]

Member Banks Making Security Loans for Others

(d) No member bank shall act as the medium or agent of any nonbanking corporation, partnership, association, business trust, or individual in making loans on the security of stocks, bonds, and other investment securities to brokers or dealers in stocks, bonds, and other investment securities. Every violation of this provision by any member bank shall be punishable by a fine of not more than $100 per day during the continuance of such violation; and such fine may be collected, by suit or otherwise, by the Federal reserve bank of the district in which such member bank is located.

[12 USC 374a. As added by act of June 16, 1933 (48 Stat. 181) and amended by act of Sept. 21, 1966 (80 Stat. 824) (as amended by acts of Sept. 21, 1967 (81 Stat. 226) and Sept. 21, 1968 (82 Stat. 856)).]

行中。存款機構自其他存款機構收受之餘額，且該餘額係用以抵充其他存款機構依本條規定應提存之準備者，不適用本條應提準備金規定，且不適用聯邦存款保險法第 7 條、聯邦住宅法(National Housing Act)第 404 條或聯邦信用合作社法（Federal Credit Union Act）第 202 條所定分攤額或準備金之規定。

C. 存款機構依第(b)項規定存放於聯邦準備銀行，或經聯邦住宅貸款銀行或國家信用合作社管理局委員會中央流動基金或其他存款機構轉存至聯邦準備銀行之準備金，得用以抵充聯邦或州法所規定之流動準備。

〔見美國法典第 12 編第 461(c)條。經 1914 年 8 月 15 日立法（法律輯錄第 38 冊第 691 頁），1917 年 6 月 21 日立法（法律輯錄第 40 冊第 239 頁），1959 年 7 月 28 日立法（法律輯錄第 73 冊第 263 頁），1966 年 9 月 21 日立法（法律輯錄第 80 冊第 823 頁）（立法復經 1967 年 9 月 21 日立法（法律輯錄第 81 冊第 226 頁）及 1968 年 9 月 21 日立法（法律輯錄第 82 冊第 856 頁）修正。），1969 年第 12 月 23 日立法（法律輯錄第 83 冊第 375 頁），第 1980 年 3 月 21 日立法（法律輯錄第 94 冊第 133、138 頁）及 2006 年 10 月 13 日立法（法律輯錄第 120 冊第 1969、1980 頁）修正。〕

會員銀行為他人辦理以證券為擔保品之貸款

(d) 會員銀行不得為銀行以外之公司、合夥、社團、企業集團或個人，於從事對股票、債券或其他投資證券之經紀商或自營商辦理以股票、債券或其他投資證券為擔保品之貸款時，擔任仲介或代理人，違反此規定之會員銀行於違反期間，每日應處 100 美元以下之罰款。此項罰款得由該會員銀行區內之聯邦準備銀行以訴訟或其他方式收取之。

〔見美國法典第 12 編第 374a 條。經 1933 年 6 月 16 日立法（法律輯錄第 48 冊第 181 頁）增訂本項，經 1966 年 9 月 21 日立法（法律輯錄第 80 冊第 824 頁）修正（本法復經 1967 年 9 月 21 日立法（法律輯錄第 81 冊第 226 頁）及 1968 年 9 月 21 日立法（法律輯錄第 82 冊第 856 頁）修正。）〕

Deposits with Depository Institutions Without Access to Federal Reserve Advances; Discounts for Nonmember Banks

(e) No member bank shall keep on deposit with any depository institution which is not authorized to have access to Federal Reserve advances under section 10(b) of this Act a sum in excess of 10 per centum of its own paid-up capital and surplus. No member bank shall act as the medium or agent of a nonmember bank in applying for or receiving discounts from a Federal reserve bank under the provisions of this Act, except by permission of the Board of Governors of the Federal Reserve System.

[12 USC 463, 374. As reenacted without change by act of Aug. 15, 1914 (38 Stat. 692); and amended by acts of June 21, 1917 (40 Stat. 239) (which completely revised this section) and Sept. 21, 1966 (80 Stat. 824) (as amended by acts of Sept. 21, 1967 (81 Stat. 226); Sept. 21, 1968 (82 Stat. 856); and March 31, 1980 (94 Stat. 140).]

Checking Against and Withdrawal of Reserve Balance

(f) The required balance carried by a member bank with a Federal reserve bank may, under the regulations and subject to such penalties as may be prescribed by the Board of Governors of the Federal Reserve System, be checked against and withdrawn by such member bank for the purpose of meeting existing liabilities.

[12 USC 464. As reenacted without change by act of Aug. 15, 1914 (38 Stat. 692); as amended by acts of June 21, 1917 (40 Stat. 239) (which completely revised this section July 7, 1942 (56 Stat. 648)); and Sept. 21, 1966 (80 Stat. 824) (as amended by acts of Sept. 21, 1967 (81 Stat. 226) and Sept. 21, 1968 (82 Stat. 856)).]

Deductions in Computing Reserves

(g) In estimating the reserve balances required by this Act, member banks may deduct from the amount of their gross demand deposits the amounts of balances due from other banks (except Federal Reserve banks and foreign banks) and cash items in process of collection payable immediately upon presentation in the United States, within the meaning of these terms as defined by the Board of Governors of the Federal Reserve System.

[12 USC 465. As amended by acts of Aug. 15, 1914 (38 Stat. 692); June 21, 1917 (40 Stat. 240) (which completely revised this section); Aug. 23, 1935 (49 Stat. 714); and Sept. 21, 1966 (80 Stat. 824) (as amended by acts of Sept. 21, 1967 (81 Stat. 226) and Sept. 21, 1968 (82 Stat. 856)).]

向非會員銀行存款、代非會員銀行貼現

(e)會員銀行存款於依本編第 10b 條規定不得自聯邦準備墊款之存款機構，其比率不得超過實收資本及盈餘之 10%。會員銀行非經聯準會核准，不得擔任非會員銀行依本法規定向聯邦準備銀行申請或接受貼現之仲介或代理人。

〔見美國法典第 12 編第 463、374 條。1914 年 8 月 15 日（法律輯錄第 38 冊第 692 頁）重新立法，但本項無修正；嗣經下列各項立法修正之：1917 年 6 月 21 日立法（法律輯錄第 40 冊第 239 頁）將本條完全修正，1966 年 9 月 21 日立法（法律輯錄第 80 冊第 824 頁），本法復經 1967 年 9 月 21 日立法（法律輯錄第 81 冊第 226 頁），1968 年 9 月 21 日立法（法律輯錄第 82 冊第 856 頁）及 1980 年 3 月 31 日立法（法律輯錄第 94 冊第 140 頁）修正。〕

就準備金餘額簽發支票及提回

(f)會員銀行應提存於聯邦準備銀行之餘額，得由該會員銀行依聯準會所發布規則及所定罰則之規定，償付其現有負債而就準備金餘額簽發支票及提回。

〔見美國法典第 12 編第 464 條。1914 年 8 月 15 日（法律輯錄第 38 冊第 692 頁）重新立法，但本項無修正，經 1917 年 6 月 21 日立法（法律輯錄第 40 冊第 239 頁），1942 年 7 月 7 日立法（法律輯錄第 56 冊第 648 頁）將本條完全修正，及 1966 年 9 月 21 日立法（法律輯錄第 80 冊第 824 頁）修正（最後一項立法復經 1967 年 9 月 21 日立法（法律輯錄第 81 冊第 226 頁）及 1968 年 9 月 21 日立法（法律輯錄第 82 冊第 856 頁）修正。）〕

計算準備金之抵減項目

(g)會員銀行估算本法所定準備金餘額，得依聯準會定義，自活期存款總額扣減存於其他銀行(聯邦準備銀行及國外銀行除外)之餘額，及美國境內見票即付之在途待收現金項目。

〔見美國法典第 12 編第 465 條。經 1914 年 8 月 15 日立法（法律輯錄第 38 冊第 692 頁），1917 年 6 月 21 日立法（法律輯錄第 40 冊第 240 頁將本條全部修正）。最後一項立法復經 1967 年 9 月 21 日立法（法律輯錄第 81 冊第 226 頁）及 1968 年 9 月 21 日立法（法律輯錄第 82 冊第 856 頁）修正。〕

Reserves of Banks in Dependencies and Insular Possessions

(h) National banks, or banks organized under local laws, located in the dependency or insular possession or any part of the United States outside the continental United States may remain nonmember banks, and shall in that event maintain reserves and comply with all the conditions now provided by law regulating them; or said banks may, with the consent of the Board of Governors of the Federal Reserve System, become member banks of any one of the reserve districts, and shall in that event take stock, maintain reserves, and be subject to all the other provisions of this Act.

[12 USC 466. As reenacted without change by act of Aug. 15, 1914 (38 Stat. 692); and as amended by acts of June 21, 1917 (40 Stat. 240); June 25, 1959 (73 Stat. 142) and Sept. 21, 1966 (80 Stat. 824) (as amended by acts of Sept. 21, 1967 (81 Stat. 226) and Sept. 21, 1968 (82 Stat. 856)). The "continental United States" is defined in the third paragraph of section 1 of the Federal Reserve Act to mean the "States of the United States and the District of Columbia."]

Interest on Demand Deposits

[Subsection (i) (12 USC 371a) was repealed by act of July 21, 2010 (124 Stat. 1640)].

Advertisement of Interest on Time and Savings Deposits

(j) The Board may from time to time, after consulting with the Board of Directors of the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board, prescribe rules governing the advertisement of interest on deposits by member banks on time and savings deposits. The provisions of this paragraph shall not apply to any deposit which is payable only at an office of a member bank located outside of the States of the United States and the District of Columbia. During the period commencing on October 15, 1962, and ending on October 15, 1968, the provisions of this paragraph shall not apply to the rate of interest which may be paid by member banks on time deposits of foreign governments, monetary and financial authorities of foreign governments when acting as such, or international financial institutions of which the United States is a member.

[12 USC 371b. As added by act of June 16, 1933 (48 Stat. 182). Amended by acts of Aug. 23, 1935 (49 Stat. 714); Oct. 15, 1962 (76 Stat. 953); July 21, 1965 (79 Stat. 244); Sept. 21, 1966 (80 Stat. 824) (as amended by acts of Sept. 21, 1967 (81 Stat. 226) and Sept. 21, 1968 (82 Stat. 856), Joint Resolution of Sept. 22, 1969 (83 Stat. 115); Act of Dec. 23, 1969 (83 Stat. 371); Joint Resolution of March 31, 1971 (85 Stat. 13); and act of May 18, 1971 (85 Stat. 38)); Sept. 21, 1968 (82 Stat. 856); July 6, 1973 (87 Stat. 147); Aug. 16, 1973 (87 Stat. 342); Oct. 28, 1974 (88 Stat. 1505), Dec. 31, 1975 (89 Stat. 1124); April 19, 1977 (91 Stat. 49); and Nov. 16, 1977 (91 Stat. 1387).]

在保護區及屬島之銀行的準備金

(h)位於保護區、屬島、美國大陸以外任何地區之聯邦註冊銀行或按當地法律組成之銀行，仍得為非會員銀行，並應提存準備金，及遵守現行法律為規範該等對象所定條款；各該銀行亦得經聯準會核准，成為任一準備區之會員銀行，並應核計存款額提存準備金及遵守本法其他規定。

〔見美國法典第 12 編第 466 條。經 1914 年 8 月 15 日立法（法律輯錄第 38 冊第 692 頁）將本法重新立法時，本項無修正，嗣經 1917 年 6 月 21 日立法（法律輯錄第 40 冊第 240 頁），1959 年 6 月 25 日立法（法律輯錄第 73 冊第 142 頁）及 1966 年 9 月 21 日立法（法律輯錄第 80 冊第 824 頁）修正。最後一項立法復經 1967 年 9 月 21 日立法（法律輯錄第 81 冊第 226 頁）及 1968 年 9 月 21 日立法（法律輯錄第 82 冊第 856 頁）修正。「美國大陸」定義於美國聯邦準備法第 1 條第 3 項，即指「美國各州及哥倫比亞特區」。〕

活期存款利息

〔第 i 項（見美國法典第 12 編第 371a 條）經 2010 年 7 月 21 日立法廢止（法律輯錄第 124 冊第 1640 頁）〕

對定期及儲蓄存款利息之廣告

(j)聯準會經與聯邦存款保險公司董事會及聯邦住宅貸款銀行聯準會諮商後，得隨時訂定規範會員銀行對定期及儲蓄存款利息廣告之法規。本項規定不適用於僅在會員銀行位於美國及哥倫比亞特區境外辦事處支付之存款。本項規定於 1962 年 10 月 15 日至 1968 年 10 月 15 日期間，不適用於會員銀行對外國政府、外國政府之貨幣機構及金融機構或美國為會員之國際金融機構之定期存款支付之利率。

〔見美國法典第 12 編第 371b 條。1933 年 6 月 16 日立法（法律輯錄第 48 冊第 182 頁）增訂本項，經 1935 年 8 月 23 日立法（法律輯錄第 49 冊第 714 頁），1962 年 10 月 15 日立法（法律輯錄第 76 冊第 953 頁），1965 年 7 月 21 日立法（法律輯錄第 79 冊第 244 頁），1966 年 9 月 21 日立法（法律輯錄第 80 冊第 824 頁），1968 年 9 月 21 日立法（法律輯錄第 82 冊第 856 頁），1973 年 7 月 6 日立法（法律輯錄第 87 冊第 147 頁），1973 年 8 月 16 日立法（法律輯錄第 87 冊第 342 頁），1974 年 10 月 28 日立法（法律輯錄第 88 冊第 1505 頁），1975 年 12 月 31 日立法（法律輯錄第 89 冊第 1124 頁），1977 年 4 月 19 日立法（法律輯錄第 91 冊第 49 頁）及 1977 年 11 月 16 日立法（法律輯錄第 91 冊第 1387 頁）修正。〕

Applicability of State Usury Ceilings to Certain Obligations Issued by Bank and Affiliates

[Subsection (k) (12 USC 371b-1) was repealed by act of March 31, 1980 (94 Stat. 168).]

Civil Money Penalty

(l)

1. Any member bank which, and any institution-affiliated party (within the meaning of section 3(u) of the Federal Deposit Insurance Act) with respect to such member bank who, violates any provision of this section, or any regulation issued pursuant thereto, shall forfeit and pay a civil penalty of not more than $5,000 for each day during which such violation continues.
2. Notwithstanding paragraph (1), any member bank which, and any institution-affiliated party (within the meaning of section 3(u) of the Federal Deposit Insurance Act) with respect to such member bank who--
   A.i. commits any violation described in paragraph (1);
   ii. recklessly engages in an unsafe or unsound practice in conducting the affairs of such member bank; or
   iii. breaches any fiduciary duty;
   B. which violation, practice, or breach--
   i. is part of a pattern of misconduct;
   ii. causes or is likely to cause more than a minimal loss to such member bank; or
   iii. results in pecuniary gain or other benefit to such party,

   shall forfeit and pay a civil penalty of not more than $25,000 for each day during which such violation, practice, or breach continues.
3. Notwithstanding paragraphs (1) and (2), any member bank which, and any institution-affiliated party (within the meaning of section 3(u) of the Federal Deposit Insurance Act) with respect to such member bank who--
   A. knowingly--
   i. commits any violation described in paragraph (1);
   ii. engages in any unsafe or unsound practice in conducting the affairs of such member bank; or
   iii. breaches any fiduciary duty; and
   B. knowingly or recklessly causes a substantial loss to such member bank or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach,

   shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues.

州高利貸上限適用於銀行及附屬機構發行之部分債務

〔第 k 項（見美國法典第 12 編第 371b-1 條）經 1980 年 3 月 31 日立法廢止（法律輯錄第 94 冊第 168 頁）〕

罰鍰

(l)

1. 會員銀行及其關係人（指聯邦存款保險法第 3(u)條意義範圍內者）違反本法或依據本法所發布之規則者，於違反持續期間，按日處 5000 美元以下罰鍰。
2. 縱有前款規定，會員銀行及其關係人（指聯邦存款保險法第 3(u)條意義範圍內者）有下列情事之一者，於其違反期間、實行或不履行持續期間，按日處 25000 美元以下罰鍰：
   A.i. 違反第(1)款所定規定；
   ii. 以不安全或不健全方式輕率處理該會員銀行事務；或
   iii. 不履行受託責任；
   B. 有下列情形之一者：
   i. 構成瀆職態樣之一；
   ii. 引發或可能引發該會員銀行最低限度以上之損失；或
   iii. 致該對象得到金錢或其他利益。
3. 縱有第(1)款及第(2)款規定，會員銀行及其關係人（指聯邦存款保險法第 3(u)條意義範圍內者）有下列情形之一者，於違反、實行或不履行持續期間，按日處不超過第(4)款所定之最高金額：
   A. 故意為下列行為之一者：
   i. 違反第(1)款所定規定；
   ii. 以不安全或不健全方式輕率處理該會員銀行事務；或
   iii. 不履行受託責任；及
   B. 故意或重大過失行為致該會員銀行受重大損害，或使該對象取得金錢或其他重大利益。

4. The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in such paragraph is--
   A. in the case of any person other than a member bank, an amount not to exceed $1,000,000; and
   B. in the case of a member bank, an amount not to exceed the lesser of --
      i. $1,000,000; or
      ii. 1 percent of the total assets of such member bank.
5. Any penalty imposed under paragraph (1), (2), or (3) may be assessed and collected by the Board in the manner provided in subparagraphs (E), (F), (G), and (I) of section 8(i)(2) of the Federal Deposit Insurance Act for penalties imposed (under such section) and any such assessment shall be subject to the provisions of such section.
6. The member bank or other person against whom any penalty is assessed under this subsection shall be afforded an agency hearing if such member bank or person submits a request for such hearing within 20 days after the issuance of the notice of assessment. Section 8(h) of the Federal Deposit Insurance Act shall apply to any proceeding under this subsection.
7. All penalties collected under authority of this subsection shall be deposited into the Treasury.
8. For purposes of this section, the term "violate" includes any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.
9. The Board shall prescribe regulations establishing such procedures as may be necessary to carry out this subsection.

[12 USC 505, as added by act of Nov. 10, 1978 (92 Stat. 3642) and amended by acts of Oct. 15, 1982 (96 Stat. 1522, 1523) and Aug. 9, 1989 (103 Stat. 472).]

Notice Under This Section After Separation from Service

(m) The resignation, termination of employment or participation, or separation of an institution-affiliated party (within the meaning of section 3(u) of the Federal Deposit Insurance Act) with respect to a member bank (including a separation caused by the closing of such a bank) shall not affect the jurisdiction and authority of the Board to issue any notice and proceed under this section against any such party, if such notice is served before the end of the 6-year period beginning on the date such party ceased to be such a party with respect to such bank (whether such date occurs before, on, or after the date of the enactment of this subsection).

[12 USC 505. As added by act of Aug. 9, 1989 (103 Stat. 461).]

4. 依第(3)款規定得對違反、實行或不履行行為按日科處之最高罰鍰金額，按下列情形定之：
   A. 會員銀行以外之人員，罰鍰金額不超過 100 萬美元；
   B. 會員銀行之罰鍰金額，不超過下列二者較低者：
      i. 100 萬美元；或
      ii. 會員銀行全部資產之 1%。
5. 第(1)款、第(2)款及第(3)款所科罰鍰，得由聯準會依聯邦存款保險法第 8 條第(i)項第(2)款第(E)、(F)、(G)及(I)目所定科處罰鍰方式評定及課徵，其評定並應依該條規定辦理。
6. 依本項規定被處以罰鍰之會員銀行或其他個人，於評定通知發出後 20 日內提出舉辦聽證會之申請者，應核准其申請並舉辦之，並應依聯邦存款保險法第 8(h)條規定辦理之。
7. 權責機關依本項規定所課罰鍰應存入國庫。
8. 本項所指「違反」，包括單獨、共同或其他情形，所引起或將引起、導致、參與、商議、幫助或教唆違反之行為。
9. 聯準會應訂定規則建立為執行本項規定所必要之程序。

〔見美國法典第 12 編第 505 條。經 1978 年 11 月 10 日立法（法律輯錄第 92 冊第 3642 頁）增訂本項，經 1982 年 10 月 15 日立法（法律輯錄第 96 冊第 1522 頁及 1523 頁）及 1989 年 8 月 9 日立法（法律輯錄第 103 冊第 472 頁）修正〕

離職後依本條規定所為之通知

(m) 會員銀行關係人（指聯邦存款保險法第 3(u)條意義範圍內者）辭職、終止僱傭或參與關係，或離職者（包括因該銀行結束營業而離職），如聯準會之通知於該銀行人員停職日後 6 年內送達者（不論其停職日係在本項生效日之前或之後），聯準會依本條規定對該人員發出任何通知及訴追之管轄權及職權不受影響。

〔見美國法典第 12 編第 505 條。經 1989 年 8 月 9 日立法（法律輯錄第 103 冊第 461 頁）增訂本項。〕

Section 20. National Bank Notes Redemption Fund as Reserve

1. Fund for Redemption of National Bank Notes Not to Be Counted as Reserve

So much of sections two and three of the Act of June twentieth, eighteen hundred and seventy-four, entitled "An Act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," as provides that the fund deposited by any national banking association with the Treasurer of the United States for the redemption of its notes shall be counted as a part of its lawful reserve as provided in the Act aforesaid, is hereby repealed. And from and after the passage of this Act such fund of five per centum shall in no case be counted by any national banking association as a part of its lawful reserve.

[12 USC 121. Part of original Federal Reserve Act; not amended. Section 3 of the act of June 20, 1874, was repealed by act of Sept. 23, 1994 (108 Stat. 2292).]

Section 21. Bank Examination

Amendment of Section 5240, Revised Statutes

Section fifty-two hundred and forty, United States Revised Statutes, is amended to read as follows:

1. Examination of National Banks and Affiliates of National Banks

The Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall appoint examiners who shall examine every national bank as often as the Comptroller of the Currency shall deem necessary. The examiner making the examination of any national bank shall have power to make a thorough examination of all the affairs of the bank and in doing so he shall have power to administer oaths and to examine any of the officers and agents thereof under oath and shall make a full and detailed report of the condition of said bank to the Comptroller of the Currency. *Provided*, That in making the examination of any national bank the examiners shall include such an examination of the affairs of all its affiliates other than member banks as shall be necessary to disclose fully the relations between such bank and such affiliates and the effect of such relations upon the affairs of such bank; and in the event of the refusal to give any information required in the course of the examination of any such affiliate, or in the event of the refusal to permit such examination, all the rights, privileges, and franchises of the bank shall be subject to forfeiture in accordance with section 2 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 141, 222-225, 281-286, and 502). The Comptroller of the Currency shall have power, and he is hereby authorized, to publish the report of his examination of any national banking association or affiliate which shall not within one hundred and twenty days after notification of the recommendations or suggestions of the Comptroller, based on said examination, have complied with the same to his satisfaction. Ninety days' notice prior to such publicity shall be given to the bank or affiliate.

第 20 條　聯邦註冊銀行紙幣兌現基金作為準備金

1.聯邦註冊銀行紙幣兌現基金不得視為準備金

1874 年 6 月 20 日，標題為「為重分配聯邦註冊銀行紙幣及其他目的規定聯邦政府發行紙幣數額之法案」第 2 條及第 3 條規定，即聯邦註冊銀行為兌現其所發行紙幣而繳存聯邦政府國庫署長之基金，應計入前揭法規所規定之法定準備金，應予廢止。自本法公布後，該項 5%基金不得視為聯邦註冊銀行應提存法定準備金之一部分。

〔見美國法典第 12 編第 121 條。本條文為原法案條文，並無修正。1874 年 6 月 20 日法案第 3 條，經 1994 年 9 月 23 日立法廢止（法律輯錄第 108 冊第 2292 頁）。〕

第 21 條　銀行之檢查

修正第 5240 條之修正條文

第 5240 條應按以下各條修正之:

1. 聯邦註冊銀行及其關係企業之檢查

通貨監理局長經財政部長核准，應委派銀行檢查員對各聯邦註冊銀行進行檢查；其檢查次數，應達通貨監理局長認為必要之程度。銀行檢查員在檢查聯邦註冊銀行時，有權對各該銀行之業務作徹底之檢查；並得於進行時，主持宣誓及質詢經宣誓之職員與代理人，亦應就各該銀行之現況繕具完備及詳盡報告，送交通貨監理局長。銀行檢查員並應於檢查聯邦註冊銀行時，檢查其會員銀行以外之關係企業之業務，以明瞭關係企業與各該銀行之關係，及該關係對各該銀行之影響；如在檢查過程，拒絕提供關係企業之資料，或拒絕該檢查，則該銀行之權利、特權及營業執照應依經修正後之聯邦準備法第 2 條規定（美國法典第 12 編第 141 條、第 222 條至第 225 條、第 281 條至第 286 條及第 502 條）撤銷之。通貨監理局長於各該銀行或關係企業於接獲其根據銀行檢查員報告所提評議或建議事項之通知，而未於 120 天內改正者，得公布檢查報告，並應於公布前 90 天通知應受送達之銀行或關係企業。

[12 USC 481; Revised Statutes § 5240, As amended by acts of June 16, 1933 (48 Stat. 192); April 30, 1956 (70 Stat. 124); and March 31, 1980 (94 Stat. 188).]

2. Powers in Examining Affiliates; Expenses of Examinations

The examiner making the examination of any affiliate of a national bank shall have power to make a thorough examination of all the affairs of the affiliate, and in doing so he shall have power to administer oaths and to examine any of the officers, directors, employees, and agents thereof under oath and to make a report of his findings to the Comptroller of the Currency. If any affiliate of a national bank refuses to pay any assessments, fees, or other charges imposed by the Comptroller of the Currency pursuant to this section or fails to make such payment not later than 60 days after the date on which they are imposed, the Comptroller of the Currency may impose such assessments, fees, or charges against the affiliated national bank, and such assessments, fees, or charges shall be paid by such national bank. If the affiliation is with 2 or more national banks, such assessments, fees, or charges may be imposed on, and collected from, any or all of such national banks in such proportions as the Comptroller of the Currency may prescribe. The examiners and assistant examiners making the examinations of national banking associations and affiliates thereof herein provided for and the chief examiners, reviewing examiners and other persons whose services may be required in connection with such examinations or the reports thereof, shall be employed by the Comptroller of the Currency with the approval of the Secretary of the Treasury; the employment and compensation of examiners, chief examiners, reviewing examiners, assistant examiners, and of the other employees of the office of the Comptroller of the Currency whose compensation is and shall be paid from assessments on banks or affiliates thereof or from other fees or charges imposed pursuant to this section shall be set and adjusted subject to chapter 71 of title 5, United States Code, and without regard to the provisions of other laws applicable to officers or employees of the United States. The funds derived from such assessment may be deposited by the Comptroller of the Currency in accordance with the provisions of section 5234 of the Revised Statutes (U.S.C., title 12, sec. 192) and shall not be construed to be Government funds or appropriated monies; and the Comptroller of the Currency is authorized and empowered to prescribe regulations governing the computation and assessment of the expenses of examinations herein provided for and the collection of such assessments from the banks and/or affiliates examined. Such funds shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority. If any affiliate of a national bank shall refuse to permit an examiner to make an examination of the affiliate or shall refuse to give any information required in the course of any such examination, the national bank with which it is affiliated shall be subject to a penalty of not more than $5,000 for each day that any such refusal shall continue. Such penalty may be assessed by the Comptroller of the Currency and collected in the same manner as expenses of examinations. The Comptroller of the Currency, upon the request of the Board of Governors of the Federal Reserve System, is authorized to assign examiners appointed under this section to examine foreign operations of State banks which are members of the Federal Reserve System.

〔見美國法典第 12 編第 481 條；第 5240 條之修正條文。經 1933 年 6 月 16 日立法（法律輯錄第 48 冊第 192 頁）、1956 年 4 月 30 日立法（法律輯錄第 70 冊第 124 頁）、1980 年 3 月 31 日立法（法律輯錄第 94 冊第 188 頁）予以修正。〕

2. 檢查關係企業之權、檢查費用

銀行檢查員檢查聯邦註冊銀行關係企業時，得對該關係企業之一切業務進行徹底檢查；並於進行時，主持宣誓及質詢經宣誓之職員、董事、受僱人與代理人，及向通貨監理局長報告檢查結果。關係企業拒絕繳付檢查費用或未於核定費用之日起 60 日內繳付者，得向其有關之聯邦註冊銀行收取該項費用，且該聯邦註冊銀行即應繳納之。該關係企業如與二家以上聯邦註冊銀行有關者，則該費用得依通貨監理局長所定比例向任一或所有聯邦註冊銀行收取之。本條所定擔任檢查聯邦註冊銀行及其關係企業之檢查員與助檢人員，及從事檢查或編製報告所需之主任檢查員、複核檢查員與其他人員，應由通貨監理局長奉財政部之核准任命之；凡由聯邦註冊銀行及其關係企業所繳檢查費用項下支薪之檢查員、主任檢查員、核稿檢查員、助檢人員，及通貨監理局所轄其他人員之任用及待遇，應適用美國法典第 5 編第 71 章，而不適用聯邦政府職員及受僱人員應適用之其他法律規定。檢查相關款項基金，得由通貨監理局長依修正法律第 5234 條規定（美國法典第 12 編第 192 條）存入帳戶，且不得解釋為政府基金或預算撥款；通貨監理局長得對有關受檢查銀行及關係企業，按本條規定所繳費用之計算、核定及徵收方法訂定規則。前揭款項，不必依美國法典第 31 編第 15 章之目的或其他主管機關命令分配之。聯邦註冊銀行關係企業如拒絕檢查員進行檢查，或在檢查過程中，拒絕提供所需之資料，得對該聯邦註冊銀行，於拒絕持續期間每日處 500 美元罰鍰。該罰鍰得由通貨監理局核定，其收取方式與收取檢查費用同。通貨監理局長應聯準會之請求，得指派檢查員根據本條規定檢查為聯準會成員之州註冊銀行之國外業務。

[12 USC 481; Revised Statutes § 5240, As added by act of June 16, 1933 (48 Stat. 192); and amended by acts of Aug. 23, 1935 (49 Stat. 722); June 30, 1948 (62 Stat. 1163); March 31, 1980 (94 Stat. 188); Aug. 10, 1987 (101 Stat. 633); Aug. 9, 1989 (103 Stat. 470); Dec. 19, 1991 (105 Stat. 2248); and July 21, 2010 (124 Stat. 1526).]

3. Salaries of Examiners; Assessments to Defray Expenses

Notwithstanding any of the preceding provisions of this section or section 301(f)(1) of title 31, United States Code, to the contrary, the Comptroller of the Currency shall, subject to chapter 71 of title 5, United States Code, fix the compensation and number of, and appoint and direct, all employees of the Office of the Comptroller of the Currency. Rates of basic pay for all employees of the Office may be set and adjusted by the Comptroller without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code. The Comptroller may provide additional compensation and benefits to employees of the Office if the same type of compensation or benefits are then being provided by any other Federal bank regulatory agency or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation. In setting and adjusting the total amount of compensation and benefits for employees of the Office, the Comptroller shall consult with, and seek to maintain comparability with, other Federal banking agencies.

The Comptroller of the Currency may impose and collect assessments, fees, or other charges as necessary or appropriate to carry out the responsibilities of the office of the Comptroller. Such assessments, fees, and other charges shall be set to meet the Comptroller's expenses in carrying out authorized activities.

[12 USC 482; Revised Statutes § 5240. As amended by acts of Aug. 23, 1935 (49 Stat. 722); April 30, 1956 (70 Stat. 124); Aug. 9, 1989 (103 Stat 520); Dec. 19, 1991 (105 Stat. 2248); Oct. 28, 1992 (106 Stat. 4079); Sept. 23, 1994 (108 Stat. 2232); and July 21, 2010 (124 Stat. 1526).]

4. Special Examinations by Reserve Banks

In addition to the examinations made and conducted by the Comptroller of the Currency, every Federal reserve bank may, with the approval of the Federal reserve agent or the Board of Governors of the Federal Reserve System, provide for special examination of member banks within its district. The expense of such examinations may, in the discretion of the Board of Governors of the Federal Reserve System, be assessed against the banks examined, and, when so assessed, shall be paid by the banks examined. Such examinations shall be so conducted as to inform the Federal reserve bank of the condition of its member banks and of the lines of credit which are being extended by them. Every Federal reserve bank shall at all times furnish to the Board of Governors of the Federal Reserve System such information as may be demanded concerning the condition of any member bank within the district of the said Federal reserve bank.

〔見美國法典第 12 編第 481 條；第 5240 條之修正條文。經 1933 年 6 月 16 日立法（法律輯錄第 48 冊第 192 頁）加入本條、復經 1935 年 8 月 23 日立法（法律輯錄第 49 冊第 722 頁）、1948 年 6 月 30 日立法（法律輯錄第 62 冊第 1163 頁）、1980 年 3 月 31 日立法（法律輯錄第 94 冊第 188 頁）、1987 年 8 月 10 日立法（法律輯錄第 101 冊第 633 頁）、1989 年 8 月 9 日立法（法律輯錄第 103 冊第 470 頁）、1991 年 12 月 19 日立法（法律輯錄第 105 冊第 2248 頁）及 2010 年 7 月 21 日立法（法律輯錄第 124 冊第 1526 頁）予以修正。〕

3. 檢查員之薪津、評定應收取之費用

除本條前述各款項或美國法典第 31 編第 301(f)(1)條規定，通貨監理局長尚應依美國法典第 5 編第 71 章，訂定通貨監理局受僱人之報酬及人數，並任用及管理之。通貨監理局長得不依美國法典第 5 編第 53 章或第 53 章第 3 節規定訂定或調整受僱人基本工資。通貨監理局長得比照其他聯邦銀行監理機關，或比照該等機關可資適用之法律及規則，提供受僱人額外之報酬及福利。通貨監理局長於訂定及調整通貨監理局受僱人之報酬及福利總額時，應諮詢其他聯邦銀行機構，並維持與該等機構相當之報酬及福利。

通貨監理局長為執行機關職責，得核定及收取必要且適當之檢查費用；並應依據執行授權任務所需支出訂定該費用。

〔見美國法典第 12 編第 482 條；第 5240 條之修正條文。經 1935 年 8 月 23 日立法（法律輯錄第 49 冊第 722 頁）、1956 年 4 月 30 日立法（法律輯錄第 70 冊第 124 頁）、1989 年 8 月 9 日立法（法律輯錄第 103 冊第 520 頁）、1991 年 12 月 19 日立法（法律輯錄第 105 冊第 2248 頁）、1992 年 10 月 28 日立法（法律輯錄第 106 冊第 4079 頁）、1994 年 9 月 23 日立法（法律輯錄第 108 冊第 2232 頁）及 2010 年 7 月 21 日立法（法律輯錄第 124 冊第 1526 頁）予以修正。〕

4. 聯邦準備銀行之特別檢查

除通貨監理局長進行之檢查外，各聯邦準備銀行經聯邦準備代理人或聯準會之核准，得對其轄區內之會員銀行，提出特別檢查。該檢查之費用，得由聯準會憑其判斷，向受檢查之銀行收取之；其數額一經核定，受檢查之銀行即應繳納之。進行該檢查之宗旨，在使聯邦準備銀行明瞭會員銀行之狀況及其授信之情形。聯邦準備銀行應隨時提供聯準會所需有關各該聯邦準備銀行轄區內會員銀行之狀況。

[12 USC 483; Revised Statutes § 5240, As amended by act of June 26, 1930 (46 Stat. 814).]

5. Visitatorial Powers

(a) No national bank shall be subject to any visitatorial powers other than such as are authorized by law, or vested in the courts of justice or such as shall be or shall have been exercised or directed by Congress, or by either House thereof or by any committee of Congress or of either House duly authorized.

(b) Notwithstanding subsection (a) of this section, lawfully authorized State auditors and examiners may, at reasonable times and upon reasonable notice to a bank, review its records solely to ensure compliance with applicable State unclaimed property or escheat laws upon reasonable cause to believe that the bank has failed to comply with such laws.

[12 USC 484; Revised Statutes § 5240, As amended by acts of Oct. 15, 1982 (96 Stat. 1521) and Jan. 12, 1983 (96 Stat. 2510).]

6. Examinations of Federal Reserve Banks

The Board of Governors of the Federal Reserve System shall, at least once each year, order an examination of each Federal reserve bank, and upon joint application of ten member banks the Board of Governors of the Federal Reserve System shall order a special examination and report of the condition of any Federal reserve bank.

[12 USC 485; Revised Statutes § 5240, Part of original Federal Reserve Act; not amended.]

7. Expenses of Examining Trust Departments of National Banks

In addition to the expense of examination to be assessed by the Comptroller of the Currency as heretofore provided, all national banks exercising fiduciary powers and all banks or trust companies in the District of Columbia exercising fiduciary powers shall be assessed by the Comptroller of the Currency for the examination of their fiduciary activities a fee adequate to cover the expense thereof.

[12 USC 482. As added by act of July 2, 1932 (47 Stat. 568); and amended by act of April 30, 1956 (70 Stat. 124).]

〔見美國法典第 12 編第 483 條；第 5240 條之修正條文。經 1930 年 6 月 26 日立法（法律輯錄第 46 冊第 814 頁）予以修正。〕

5. 臨檢權

(a)除法律或法院授權，或國會或兩院之一或其授權之委員會所行使或指示者外，聯邦註冊銀行得不接受臨檢。

(b)縱有本條第(a)項規定，合法授權之州稽核及檢查人員，合理懷疑該銀行未遵守有關州未提領財產或充公之法律者，得於合理時間及通知該銀行後，為確保其遵守上述法律，而檢查銀行相關紀錄。

〔見美國法典第 12 編第 484 條；第 5240 條之修正條文。經 1982 年 10 月 15 日立法（法律輯錄第 96 冊第 1521 頁）及 1983 年 1 月 12 日立法（法律輯錄第 96 冊第 2510 頁）予以修正。〕

6. 檢查聯邦準備銀行

聯準會每年至少應檢查聯邦準備銀行 1 次，並應於 10 家會員銀行聯合申請時，對任一聯邦準備銀行進行特別檢查及提供財務報表。

〔見美國法典第 12 編第 485 條；第 5240 條之修正條文。本條文係原法案條文，並無修正。〕

7. 檢查聯邦註冊銀行信託部之費用

除通貨監理局長依本條規定所收取之檢查費用外，執行信託業務之聯邦註冊銀行及哥倫比亞特區執行信託業務之銀行或信託公司，均應由通貨監理局長另行收取對該信託業務檢查足敷支出之適當檢查費用。

〔見美國法典第 12 編第 482 條。1932 年 7 月 2 日立法（法律輯錄第 47 冊第 568 頁）加入本條，復經 1956 年 4 月 30 日立法（法律輯錄第 70 冊第 124 頁）予以修正。〕

8. Waiver of Reports and Examinations of Affiliates

Whenever member banks are required to obtain reports from affiliates, or whenever affiliates of member banks are required to submit to examination, the Board of Governors of the Federal Reserve System or the Comptroller of the Currency, as the case may be, may waive such requirements with respect to any such report or examination of any affiliate if in the judgment of the said Board or Comptroller, respectively, such report or examination is not necessary to disclose fully the relations between such affiliate and such bank and the effect thereof upon the affairs of such bank.

[12 USC 486. As added by act of Aug. 23, 1935 (49 Stat. 715).]

Section 22. Offenses of Examiners, Member Banks, Officers, and Directors

1. Insolvency of Member Banks

[Subsections (a), (b), and (c) were repealed by section 21, act of June 25, 1948 (62 Stat. 864), but substance thereof was incorporated in 18 USC 212, 213, 215, 655, 1906, and 1909.]

Purchases by Member Banks from Their Directors

(d) [Reserved]

[12 USC 375. As added by act of Sept. 26, 1918 (40 Stat. 971) and amended by act of July 21, 2010 (124 Stat. 1615).]

Interest on Deposits of Directors, Officers, and Employees

(e) No member bank shall pay to any director, officer, attorney, or employee a greater rate of interest on the deposits of such director, officer, attorney, or employee than that paid to other depositors on similar deposits with such member bank.

[12 USC 376. As added by act of June 21, 1917 (40 Stat. 240); and amended by act of Sept. 26, 1918 (40 Stat. 971), which completely revised this section.]

8. 關係企業報告及檢查之豁免

有關會員銀行取得其關係企業之報告，或將會員銀行關係企業交付檢查之規定，經聯準會或通貨監理局長認該項報告或檢查對明瞭關係企業與各該銀行之關係，及對各該銀行業務之影響為無必要者，得豁免之。

〔見美國法典第 12 編第 486 條。1935 年 8 月 23 日立法（法律輯錄第 49 冊第 715 頁）加入本條。〕

第 22 條　銀行檢查員、會員銀行、銀行職員及董事之違反規定

1. 會員銀行之破產

〔本條原有(a)(b)(c)三項，經 1948 年 6 月 25 日立法第 21 條（法律輯錄第 62 冊第 864 頁）予以廢止。但其中要義仍包括在美國法典第 18 編第 212 條、第 213 條、第 215 條、第 655 條、第 1906 條及第 1909 條之內。〕

會員銀行與其董事為買賣交易

(d)[保留]

〔見美國法典第 12 編第 375 條。1918 年 9 月 26 日立法（法律輯錄第 40 冊第 971 頁）加入本條，復經 2010 年 7 月 21 日立法（法律輯錄第 124 冊第 1615 頁）予以修正。〕

董事、職員及雇員存款之利息

(e)會員銀行不得對董事、職員、法律顧問或雇員之存款，支付高於其他存款人同樣存款之利息。

〔見美國法典第 12 編第 376 條。1917 年 6 月 21 日立法（法律輯錄第 40 冊第 240 頁）加入本條，復經 1918 年 9 月 26 日立法（法律輯錄第 40 冊第 971 頁）予以修正，該次立法將本條全部修改。〕

Liability for Damages Resulting from Violations

(f) If the directors or officers of any member bank shall knowingly violate or permit any of the agents, officers, or directors of any member bank to violate any of the provisions of this section or regulations of the board made under authority thereof, or any of the provisions of sections 217, 218, 219, 220, 655, 1005, 1014, 1906, or 1909 of title 18, United States Code, every director and officer participating in or assenting to such violation shall be held liable in his personal and individual capacity for all damages which the member bank, its shareholders, or any other persons shall have sustained in consequence of such violation.

[12 USC 503. As added by act of Sept. 26, 1918 (40 Stat. 971), which completely revised this section; amended by act of Sept. 3, 1954 (68 Stat. 1236). Sections 217, 218, 219, and 220 were respectively redesignated sections 212, 213, 214, and 215 by the act of Oct. 23, 1962 (76 Stat. 1125).]

Loans to Executive Officers by Member Banks

(g)

1. Except as authorized under this subsection, no member bank may extend credit in any manner to any of its own executive officers. No executive officer of any member bank may become indebted to that member bank except by means of an extension of credit which the bank is authorized to make under this subsection. Any extension of credit under this subsection shall be promptly reported to the board of directors of the bank, and may be made only if--
   A. The bank would be authorized to make it to borrowers other than its officers;
   B. it is on terms not more favorable than those afforded other borrowers;
   C. the officer has submitted a detailed current financial statement; and
   D. it is on condition that it shall become due and payable on demand of the bank at any time when the officer is indebted to any other bank or banks on account of extensions of credit of any one of the three categories respectively referred to in paragraphs (2), (3), and (4) in an aggregate amount greater than the amount of credit of the same category that could be extended to him by the bank of which he is an officer.
2. A member bank may make a loan to any executive officer of the bank if, at the time the loan is made--
   A. it is secured by a first lien on a dwelling which is expected, after the making of the loan, to be owned by the officer and used by him as his residence, and

違反規定應負之賠償責任

(f)會員銀行之董事或職員故意違反，或允許會員銀行之代理人、職員或董事違反本條規定，或違反聯準會依授權而定之規則，或違反美國法典第 18 編第 217 條、第 218 條、第 219 條、第 220 條、第 655 條、第 1005 條、第 1014 條、第 1906 條或第 1909 條規定，曾參加或曾同意該違反行為之董事及職員，均應個別對該會員銀行、股東或他人因該違反規定行為所受之損害，負賠償責任。

〔見美國法典第 12 編第 503 條。1918 年 9 月 26 日立法（法律輯錄第 40 冊第 971 頁）加入本條，該次立法將本條全部修改，再經 1954 年 9 月 3 日立法（法律輯錄第 68 冊第 1236 頁）予以修正。其中第 217 條、第 218 條、第 219 條及第 220 條，經 1962 年 10 月 23 日立法（法律輯錄第 76 冊第 1125 頁），分別重編為第 212 條、第 213 條、第 214 條及第 215 條。〕

會員銀行貸款予決策人員

(g)1. 除本項規定外，會員銀行不得以任何方式授信予決策人員。決策人員除於該銀行依本項規定獲授權得予授信者外，不得對該銀行負任何債務。依本項規定所為之授信，應即報告該銀行之董事會，並僅得於下列情形辦理之：
   A. 該銀行得貸款予職員以外之借款人；
   B. 其條件不優於對其他借款人之貸款；
   C. 該職員業已提出詳細之財務狀況表；
   D.以該職員在其他銀行因(2)(3)(4)等情形之授信總額已超過其所任職銀行可授予同類信用之限度時，此項貸款應即認為到期，而在該銀行表示索償時，即應照付。
2.會員銀行如在貸款時符合下列條件，經該銀行董事會事先核准，得授信予決策人員：
   A.該貸款係以該職員預計取得所有權並以做為住宅之房屋設定第一順位抵押權之擔保；

B. no other loan by the bank to the officer under authority of this paragraph is outstanding.

3. A member bank may make extensions of credit to any executive officer of the bank, to finance the education of the children of the officer.
4. A member bank may make extensions of credit not otherwise specifically authorized under this subsection to any executive officer of the bank, in an amount prescribed in a regulation of the member bank's appropriate Federal banking agency.
5. Except to the extent permitted under paragraph (4), a member bank may not extend credit to a partnership in which one or more of its executive officers are partners having either individually or together a majority interest. For the purposes of paragraph (4), the full amount of any credit so extended shall be considered to have been extended to each officer of the bank who is a member of the partnership.
6. This subsection does not prohibit any executive officer of a member bank from endorsing or guaranteeing for the protection of the bank any loan or other asset previously acquired by the bank in good faith or from incurring any indebtedness to the bank for the purpose of protecting the bank against loss or giving financial assistance to it.
7. Each day that any extension of credit in violation of this subsection exists is a continuation of the violation for the purposes of section 8 of the Federal Deposit Insurance Act.
8. The Board of Governors of the Federal Reserve System may prescribe such rules and regulations, including definitions of terms, as it deems necessary to effectuate the purposes and to prevent evasions of this subsection.

[12 USC 375a. As added by act of June 16, 1933 (48 Stat. 182); amended by Public Resolution approved June 14, 1935 (49 Stat. 375); and by acts of Aug. 23, 1935 (49 Stat. 716); April 25, 1938 (52 Stat. 223); June 20, 1939 (53 Stat. 842); July 3, 1967 (81 Stat. 109); Nov. 10, 1978 (92 Stat. 3665); Oct. 15, 1982 (96 Stat. 1522); Sept. 23, 1994 (108 Stat. 2233); and Oct. 13, 2006 (120 Stat. 1978).]

Extensions of Credit to Executive Officers, Directors, and Principal Shareholders of Member Banks

(h)

1. No member bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any related interest of such a person, except to the extent permitted under paragraphs (2), (3), (4), and (6).
2. A. A member bank may extend credit to its executive officers, directors, or principal shareholders, or to any related interest of such a person, only if the extension of credit--

B. 該職員依本款規定所欠該銀行之其他貸款並無未償還餘額。

3. 會員銀行得授信予其決策人，作為該職員兒女教育費之用。
4. 會員銀行得依該會員銀行所屬聯邦銀行機關所定規則，於所定限額內授信予其決策人員。
5. 除第(4)款所定限額外，會員銀行不得授信予該銀行決策人員一人或多人占多數利益之合夥商號。為第(4)款之目的，此授信之總額，應認係對合夥中各銀行職員之授信。
6. 本項規定，非禁止會員銀行之決策人員對該銀行之放款或善意取得之資產，予以背書或保證；或為保護該銀行免於發生損失，或為提供財務上協助之目的而對該銀行負擔債務。
7. 違反本項規定之授信，其存續期間，均為持續違反聯邦存款保險法第 8 條之規定。
8. 為有效實施及防止規避本條規定，聯準會得制定其認為必要之規則或規定，包括名詞定義等。

〔見美國法典第 12 編第 375 條第 a 項。1933 年 6 月 16 日立法（法律輯錄第 48 冊第 182 頁）加入本條。經 1935 年 6 月 14 日公布之共同決議案（法律輯錄第 49 冊第 375 頁），1938 年 4 月 25 日立法（法律輯錄第 52 冊第 223 頁），1939 年 6 月 20 日立法（法律輯錄第 53 冊第 842 頁），1967 年 7 月 3 日立法（法律輯錄第 81 冊第 109 頁），1978 年 11 月 10 日立法（法律輯錄第 92 冊第 3665 頁）及 1982 年 10 月 15 日立法（法律輯錄第 96 冊第 1522 頁），1994 年 9 月 23 日立法（法律輯錄第 108 冊第 2233 頁）及 2006 年 10 月 13 日立法（法律輯錄第 120 冊第 1978 頁），予以修正。〕

對會員銀行高級主管、董事及主要股東之授信

(h) 1. 除第(2)、(3)、(4)及(6)段所述情形外，會員銀行不得授信予其高級主管、董事、主要股東或該等人之關係人。

2. A. 會員銀行於下列情況下，得授信予其高級主管、董事、主要股東或該等人之關係人—

i. is made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions by the bank with persons who are not executive officers, directors, principal shareholders, or employees of the bank;
ii. does not involve more than the normal risk of repayment or present other unfavorable features; and
iii. the bank follows credit underwriting procedures that are not less stringent than those applicable to comparable transactions by the bank with persons who are not executive officers, directors, principal shareholders, or employees of the bank.

B. Nothing in this paragraph shall prohibit any extension of credit made pursuant to a benefit or compensation program--
i. that is widely available to employees of the member bank; and
ii. that does not give preference to any officer, director, or principal shareholder of the member bank, or to any related interest of such person, over other employees of the member bank.

3. A member bank may extend credit to a person described in paragraph (1) in an amount that, when aggregated with the amount of all other outstanding extensions of credit by that bank to each such person and that person's related interests, would exceed an amount prescribed by regulation of the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act) only if--
A. the extension of credit has been approved in advance by a majority vote of that bank's entire board of directors; and
B. the interested party has abstained from participating, directly or indirectly, in the deliberations or voting on the extension of credit.

4. A member bank may extend credit to any executive officer, director, or principal shareholder, or to any related interest of such a person, only if the extension of credit is in an amount that, when aggregated with the amount of all outstanding extensions of credit by that bank to that person and that person's related interests, would not exceed the limits on loans to a single borrower established by section 5200 of the Revised Statutes. For purposes of this paragraph, section 5200 of the Revised Statutes shall be deemed to apply to a State member bank as if the State member bank were a national banking association.

5.A. A member bank may extend credit to any executive officer, director, or principal shareholder, or to any related interest of such a person, if the extension of credit is in an amount that, when aggregated with the amount of all outstanding extensions of credit by that bank to its executive officers, directors, principal shareholders, and those persons' related interests would not exceed the bank's unimpaired capital and unimpaired surplus.

B. The Board may, by regulation, prescribe a limit that is more stringent than that contained in subparagraph (A).

i. 授信條件包括利率及擔保品等，基本上與該銀行與其高級主管、董事、主要股東或該等人之關係人以外之人所為同等交易相同。
ii. 除正常之償還風險外，並無其他不利因素。
iii. 該銀行所為核貸程序，與適用於與其高級主管、董事、主要股東或該等人之關係人以外之人之同等交易相比，並未較為寬鬆。

B. 本段不禁止依福利方案或補償方案所為之授信—
i. 會員銀行之雇員大部分均可取得者；
ii. 未給予會員銀行之職員、董事、主要股東或該等人之關係人優於會員銀行之其他雇員之條件。

3. 在下列情況下，會員銀行對第(1)款所述之人所為授信金額，連同其他未償還金額（包括對關係人授信的部分）之總和，得超過聯邦金融監理機關相關法規之限制(定義於聯邦存款保險公司法第 3 條)—
A. 該授信已事先獲得該銀行董事會全體董事之多數決同意；
B. 有利害關係者不得直接或間接參與該項授信之討論或表決。

4. 會員銀行得對其高級主管、董事及主要股東予以授信，惟授信金額，連同其他未償還金額（包括對關係人授信的部分）之總和，不得超過本法修正後第 5200 條對單一借款人之貸款限制。為本款之目的，本法修正後第 5200 條應視為亦適用於州立案銀行。

5. A. 會員銀行得對其高級主管、董事及主要股東予以授信，惟授信金額連同其他未償還金額（包括對關係人授信部分）之總和，不得超過銀行健全資本與公積(unimpaired capital and unimpaired surplus)。
B. 聯準會得依規定，訂定比(A)款所述更為嚴格之限制。

C. The Board may, by regulation, make exceptions to subparagraph (A) for member banks with less than $100,000,000 in deposits if the Board determines that the exceptions are important to avoid constricting the availability of credit in small communities or to attract directors to such banks. In no case may the aggregate amount of all outstanding extensions of credit to a bank's executive officers, directors, principal shareholders, and those persons' related interests be more than 2 times the bank's unimpaired capital and unimpaired surplus.

6. A. If any executive officer or director has an account at the member bank, the bank may not pay on behalf of that person an amount exceeding the funds on deposit in the account.

B. Subparagraph (A) does not prohibit a member bank from paying funds in accordance with--

i. a written preauthorized, interest-bearing extension of credit specifying a method of repayment; or

ii. a written preauthorized transfer of funds from another account of the executive officer or director at that bank.

7. No executive officer, director, or principal shareholder shall knowingly receive (or knowingly permit any of that person's related interests to receive) from a member bank, directly or indirectly, any extension of credit not authorized under this subsection.

8. A. For purposes of this subsection, any executive officer, director, or principal shareholder (as the case may be) of any company of which the member bank is a subsidiary, or of any other subsidiary of that company, shall be deemed to be an executive officer, director, or principal shareholder (as the case may be) of the member bank.

B. The Board may, by regulation, make exceptions to subparagraph (A) for any executive officer or director of a subsidiary of a company that controls the member bank if--

i. the executive officer or director does not have authority to participate, and does not participate, in major policymaking functions of the member bank; and

ii. the assets of such subsidiary do not exceed 10 percent of the consolidated assets of a company that controls the member bank and such subsidiary (and is not controlled by any other company).

9. For purposes of this subsection:

A. i. Except as provided in clause (ii), the term "*company*" means any corporation, partnership, business or other trust, association, joint venture, pool syndicate, sole proprietorship, unincorporated organization, or other business entity.

C.如聯準會認為有必要避免造成緊縮小型社區信用或吸引董事加入該銀行，聯準會得以規定訂定存款低於 1 億美元之會員銀行得排除適用(A)款之情形，惟對該銀行高級主管、董事、主要股東及其關係人所有未償還之授信總額，仍不得超過該銀行健全資本與公積(unimpaired capital and unimpaired surplus)的 2 倍。

6. A.如高級主管或董事在會員銀行設有帳戶，該銀行不得以該高級主管或董事名義以該帳戶支付高於帳戶內存款之金額。

B.第(A)款不禁止會員銀行為符合下列情形之支付—

ⅰ 事先經書面授權，言明還款方式的付息授信；

ⅱ 事先經書面授權自該高級主管或董事於該銀行之其他帳戶內移轉資金之支付。

7. 高級主管、董事或主要股東不得於故意之情形下接受(或允許其關係人接受)會員銀行未經授權之任何形式之授信。

8. A.為本項之目的，會員銀行為其子公司之公司或該公司之他子公司，其高級主管、董事或主要股東均應視為該會員銀行之高級主管、董事或主要股東。

B.聯準會得於下列情形，訂定規定排除控制會員銀行之公司之子公司高級主管、董事適用第(A)款—

i. 高級主管或董事無權參與且未參與有關該會員銀行之重大決策。

ii. 該子公司之資產未逾控制會員銀行及該子公司之公司之資產總值之 10%（且未被其他公司所控制）。

9. 為本項之目的：

A.i. 除第(ii)目規定者外，「公司」一詞係指公司、合夥、企業、信託、協會、合資、聯營、獨資、非公司組織或其他形式之企業主體。

ii. The term "*company*" does not include--

I. an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act); or

II. a corporation the majority of the shares of which are owned by the United States or by any State.

B. A person *controls* a company or bank if that person, directly or indirectly, or acting through or in concert with 1 or more persons--

i. owns, controls, or has the power to vote 25 percent or more of any class of the company's voting securities;

ii. controls in any manner the election of a majority of the company's directors; or

iii. has the power to exercise a controlling influence over the company's management or policies.

C. A person is an "*executive officer*" of a company or bank if that person participates or has authority to participate (other than as a director) in major policymaking functions of the company or bank.

D. i. A member bank extends credit to a person by--

I. making or renewing any loan, granting a line of credit, or entering into any similar transaction as a result of which the person becomes obligated (directly or indirectly, or by any means whatsoever) to pay money or its equivalent to the bank; or

II. having credit exposure to the person arising from a derivative transaction (as defined in section 5200(b) of the Revised Statutes of the United States (12 U.S.C. 84(b))), repurchase agreement, reverse repurchase agreement, securities lending transaction, or securities borrowing transaction between the member bank and the person.

ii. The Board may, by regulation, make exceptions to clause (i) for transactions that the Board determines pose minimal risk.

E. The term "*member bank*" includes any subsidiary of a member bank.

F. The term "*principal shareholder*"--

i. means any person that directly or indirectly, or acting through or in concert with one or more persons, owns, controls, or has the power to vote more than 10 percent of any class of voting securities of a member bank or company; and

ii. does not include a company of which a member bank is a subsidiary.

G. A "*related interest*" of a person is--

i. any company controlled by that person; and

ii. any political or campaign committee that is controlled by that person or the funds or services of which will benefit that person.

ii.「*公司*」一詞不包括—

I. 要保存款保險機構（定義於聯邦存款保險公司法第 2 條）；

II. 聯邦政府或州政府擁有大部分股權之公司。

B. 所謂「*控制*」，係指直接或間接，或透過他人或與他人（或多人）共同—

i. 擁有、控制或握有公司有表決權股票達 25%；

ii. 以任何方式控制公司董事選舉過半數之席次；

iii. 對於公司之經營或政策擁有達支配程度之影響力。

C. 公司或銀行之「*高級主管*」，係指參與或有權參與（非以董事身分）公司或銀行之主要決策者。

D. i. 會員銀行依下列方式對他人為「授信行為」—

I. 提供貸款或貸款之展期、給予信用額度或從事相對人將對銀行（直接或間接或以任何方式）負有償還金錢或其他同等物義務之類似交易。

II. 會員銀行與相對人進行衍生性交易(定義於修訂版成文法第 5200(b)條(美國法典第 12 編第 84 條第 b 項))、正反向附買回交易、借券交易或融券交易，而對該相對人產生信用曝險。

ii. 聯準會得訂定規定，對於其所認為僅存有最小限度風險之交易，排除第(i)款之適用。

E.「*會員銀行*」一詞，包含會員銀行之子公司在內。

F.「*主要股東*」一詞係指—

i. 直接或間接或透過他人或與他人（或多人）共同擁有、控制或持有會員銀行或公司 10%以上表決權之股票。

ii. 不包括會員銀行為其子公司之公司。

G.「*關係人*」係指—

i. 受該對象控制之公司；

ii. 受該對象控制之政治性或選舉活動性質之委員會或委員會之基金或服務將有利於該對象者。

H.The term "subsidiary" has the same meaning as in section 2 of the Bank Holding Company Act of 1956.

10. The Board of Governors of the Federal Reserve System may prescribe such regulations, including definitions of terms, as it determines to be necessary to effectuate the purposes and prevent evasions of this subsection.

[12 USC 375b. As added by act of Nov. 10, 1978 (92 Stat. 3644) and amended by acts of Oct. 15, 1982 (96 Stat. 1520, 1522); Dec. 19, 1991 (105 Stat. 2355, 2358, 2359); Oct. 28, 1992 (106 Stat. 3895, 4086); Sept. 23, 1994 (108 Stat. 2233); Sept. 30 1996 (110 Stat. 3009-410); and July 21, 2010 (124 Stat. 1614).]

[Subsections (i), (j), and (k) were repealed by section 21, act of June 25, 1948 (62 Stat. 866). However, substance of subsections (h), (i), and (k) was incorporated in 18 USC 214, 656, 1005, and 1014. Subsection (j), which prohibited members of Congress from receiving benefits from any contracts or agreements of any Federal Reserve Bank was in effect continued in title 18, section 433, which does not include contracts of Federal Reserve Banks as exempt from the prohibition of section 431 against such members having an interest in federal agency contracts.]

Section 23. Interbank Liabilities

(a) The purpose of this section is to limit the risks that the failure of a large depository institution (whether or not that institution is an insured depository institution) would pose to insured depository institutions.

Aggregate Limits on Insured Depository Institutions' Exposure to Other Depository Institutions

(b) The Board shall, by regulation or order, prescribe standards that have the effect of limiting the risks posed by an insured depository institution's exposure to any other depository institution.

[12 USC 371b-2(b). As added by act of Dec. 19, 1991 (105 Stat. 2362).]

"Exposure" Defined

(c) 1.For purposes of subsection (b), an insured depository institution's " exposure" to another depository institution means--

A.all extensions of credit to the other depository institution, regardless of name or description, including--

i. all deposits at the other depository institution;

ii. all purchases of securities or other assets from the other depository institution subject to an agreement to repurchase; and

iii. all guarantees, acceptances, or letters of credit (including endorsements or standby letters of credit) on behalf of the other depository institution;

H.「子公司」一詞，與 1956 年銀行控股公司法第 2 條之定義相同。

10.聯準會於必要時得制定規章（包括名詞定義），以貫徹本項規定之目的及防範規避本項規定之行為。

〔見美國法典第 12 編第 375 條第 b 項。1978 年 11 月 10 日立法（法律輯錄第 92 冊第 3644 頁）加入本條。經 1982 年 10 月 15 日立法（法律輯錄第 96 冊第 1520 頁及 1522 頁），1991 年 12 月 19 日立法（法律輯錄第 105 冊第 2355 頁、2358 頁及 2359 頁），1992 年 10 月 28 日立法（法律輯錄第 106 冊第 3895 頁及第 4086 頁），1994 年 9 月 23 日立法（法律輯錄第 108 冊第 2233 頁），1996 年 9 月 30 日立法（法律輯錄第 110 冊第 3009-410 頁）及 2010 年 7 月 21 日(法律輯錄第 124 冊第 1614 頁)修正。〕

第 23 條　銀行同業負債

(a)本條之目的係在控制大型存款機構（無論該機構是否為要保存款機構）倒閉，對其他要保存款機構可能產生之風險。

要保存款機構對存款機構之曝險總額限制

(b)聯準會得以規定或命令訂定標準，控制要保存款機構對其他存款保險機構曝險所產生之風險。

〔見美國法典第 12 編第 371 條第 b-2(b)項。1991 年 12 月 19 日立法（法律輯錄第 105 冊第 2362 頁）加入本條。〕

「曝險」之定義

(c)1. 為本條第(b)項所訂之目的，要保存款機構對其他存款機構之「曝險」，係指—

A.給予其他存款機構之貸款，無論其名稱及說明為何，包括—

i. 於其他存款機構之所有存款；

ii. 依附買回協定向其他存款機構購買證券或其他資產；

iii.代表其他存款機構所為之保證、承兌或信用狀（包括背書、擔保信用狀）

B. all purchases of or investments in securities issued by the other depository institution;
C. all securities issued by the other depository institution accepted as collateral for an extension of credit to any person; and
D. all similar transactions that the Board by regulation determines to be exposure for purposes of this section.

2. The Board may, at its discretion, by regulation or order, exempt transactions from the definition of "exposure" if it finds the exemptions to be in the public interest and consistent with the purpose of this section.
3. For purposes of this section, any transaction by an insured depository institution with any person is a transaction with another depository institution to the extent that the proceeds of the transaction are used for the benefit of, or transferred to, that other depository institution.

[12 USC 371b-2(c). As added by act of Dec. 19, 1991 (105 Stat. 2362).]

"Insured Depository Institution" Defined

(d) For purposes of this section, the term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

[12 USC 371b-2(d). As added by act of Dec. 19, 1991 (105 Stat. 2362).]

Rulemaking Authority; Enforcement

(e) The Board may issue such regulations and orders, including definitions consistent with this section, as may be necessary to administer and carry out the purpose of this section. The appropriate Federal banking agency shall enforce compliance with those regulations under section 8 of the Federal Deposit Insurance Act.

[12 USC 371b-2(e). As added by act of Dec. 19, 1991 (105 Stat. 2362).]
** The original section 23 was repealed by section 7 of the act of Sept. 8, 1959 (73 Stat. 457). This section 23 is effective Dec. 19, 1992.*

Section 23A. Relations with Affiliates

Restrictions on Transactions with Affiliates

(a)

1. A member bank and its subsidiaries may engage in a covered transaction with an affiliate only if--
   A. in the case of any affiliate, the aggregate amount of covered transactions of the member bank and its subsidiaries will not exceed 10 per centum of the capital stock and surplus of the member bank; and

B. 購買或投資由其他存款機構發行之證券；
C. 接受他人以其他存款機構發行之證券抵押貸款；
D. 聯準會以規定認定屬本條規範目的所稱曝險之類似交易。

2. 聯準會得為公共利益及本條目的之一致性，依裁量以規定或命令豁免交易被認定為「曝險」。
3. 為本條之目的，要保存款機構與他人所為之交易，如交易之所得為其他存款機構所利用或移轉至該其他存款機構者，均應視為與其他存款機構之交易。

〔見美國法典第 12 編第 371 條第 b-2(c)項。1991 年 12 月 19 日立法（法律輯錄第 105 冊第 2362 頁）加入本條。〕

「要保存款機構」之定義

(d) 為本條之目的，「要保存款機構」與聯邦存款保險法第 3 條之定義同。

〔見美國法典第 12 編第 371 條第 b-2(d)項。1991 年 12 月 19 日立法（法律輯錄第 105 冊第 2362 頁）加入本條。〕

訂定規定之職權、執行

(e) 為施行及落實本條目的之必要，聯準會得訂定相關規定及命令，包含與本條一致之定義。相關聯邦銀行機構應符合聯邦存款保險法第 8 條訂定之規定。

〔見美國法典第 12 編第 371 條第 b-2(e)項。1991 年 12 月 19 日立法（法律輯錄第 105 冊第 2362 頁）加入本條。〕
** 原第 23 條條文已於 1959 年 9 月 8 日立法第 7 條（法律輯錄第 73 冊第 457 頁）廢止。現行第 23 條於 1992 年 12 月 19 日生效。*

第 23A 條　與關係企業之關係

與關係企業交易之限制

(a)

1. 會員銀行及其子公司得於下列情況與其關係企業進行交易：
   A. 會員銀行及其子公司與任一關係企業交易之總額，不得超過會員銀行股本與公積總和 10%；

B. in the case of all affiliates, the aggregate amount of covered transactions of the member bank and its subsidiaries will not exceed 20 per centum of the capital stock and surplus of the member bank.

2. For the purpose of this section, any transaction by a member bank with any person shall be deemed to be a transaction with an affiliate to the extent that the proceeds of the transaction are used for the benefit of, or transferred to, that affiliate.

3. a member bank and its subsidiaries may not purchase a low-quality asset from an affiliate unless the bank or such subsidiary, pursuant to an independent credit evaluation, committed itself to purchase such asset prior to the time such asset was acquired by the affiliate.

4. Any covered transactions and any transactions exempt under subsection (d) between a member bank and an affiliate shall be on terms and conditions that are consistent with safe and sound banking practices.

Definitions

(b) For the purpose of this section--

1. the term "affiliate" with respect to a member bank means--

A. any company that controls the member bank and any other company that is controlled by the company that controls the member bank;

B. a bank subsidiary of the member bank;

C. any company--

i. that is controlled directly or indirectly, by a trust or otherwise, by or for the benefit of shareholders who beneficially or otherwise control, directly or indirectly, by trust or otherwise, the member bank or any company that controls the member bank; or

ii. in which a majority of its directors or trustees constitute a majority of the persons holding any such office with the member bank or any company that controls the member bank;

D. any investment fund with respect to which a member bank or affiliate thereof is an investment adviser; and

E. any company that the Board determines by regulation or order to have a relationship with the member bank or any subsidiary or affiliate of the member bank, such that covered transactions by the member bank or its subsidiary with that company may be affected by the relationship to the detriment of the member bank or its subsidiary; and

2. The following shall not be considered to be an affiliate:

A. any company, other than a bank, that is a subsidiary of a member bank, unless a determination is made under paragraph (1)(E) not to exclude such subisidary company from the definition of affiliate;

B. 會員銀行及其子公司與所有關係企業交易之總額，不得超過會員銀行股本與公積總和 10%。

2. 為本條之目的，會員銀行與他人所為之交易，如交易之所得為關係企業所利用或移轉至關係企業者，均應視為與關係企業之交易。

3. 會員銀行及其子公司除於關係企業取得該項資產前，已依獨立之信用評估承諾購買該資產者外，不得自關係企業購買低品質資產。

4. 會員銀行與關係企業間之任何交易及依第(d)項所豁免之交易，其交易條件均應符合金融機構之安全穩健原則（safe and sound banking practices）。

定義

(b)為本條之目的—

1. 會員銀行之「關係企業」，係指—

A. 控制會員銀行之公司及其他該公司所控制之公司；

B. 會員銀行之子銀行；

C. 任何公司—

i. 直接或間接以信託或其他方式，或為股東利益之控制，或其他直接或間接以信託之方式控制會員銀行或會員銀行之控制公司；

ii. 其大部分董事或受託人為會員銀行或會員銀行之控制公司之主要股東。

D. 會員銀行或其關係企業擔任投資顧問之投資基金。

E. 聯準會以法令規定與會員銀行或其子公司或關係企業有關係之公司，且該關係須為可能對會員銀行及其子公司與該公司從事之交易有不利影響者。

2. 以下情形不得視為關係企業：

A. 會員銀行以外之子公司（銀行除外），但依第(1)項第(E)款規定未將該子公司排除在關係企業定義者除外；

B. any company engaged solely in holding the premises of the member bank;
C. any company engaged solely in conducting a safe deposit business;
D. any company engaged solely in holding obligations of the United States or its agencies or obligations fully guaranteed by the United States or its agencies as to principal and interest; and
E. any company where control results from the exercise of rights arising out of a bona fide debt previously contracted, but only for the period of time specifically authorized under applicable State or Federal law or regulation or, in the absence of such law or regulation, for a period of two years from the date of the exercise of such rights or the effective date of this Act, whichever date is later, subject, upon application, to authorization by the Board for good cause shown of extensions of time for not more than one year at a time, but such extensions in the aggregate shall not exceed three years;
F. a company or shareholder shall be deemed to have control over another company if--
i. such company or shareholder, directly or indirectly, or acting through one or more other persons owns, controls, or has power to vote 25 per centum or more of any class of voting securities of the other company;
ii. such company or shareholder controls in any manner the election of a majority of the directors or trustees of the other company; or
iii. the Board determines, after notice and opportunity for hearing, that such company or shareholder, directly or indirectly, exercises a controlling influence over the management or policies of the other company; and
G. notwithstanding any other provision of this section, no company shall be deemed to own or control another company by virtue of its ownership or control of shares in a fiduciary capacity, except as provided in paragraph (1)(C) of this subsection or if the company owning or controlling such shares is a business trust;

3. the term "subsidiary" with respect to a specified company means a company that is controlled by such specified company;
4. the term "bank" includes a State bank, national bank, banking association, and trust company;
5. the term "company" means a corporation, partnership, business trust, association, or similar organization and, unless specifically excluded, the term "company" includes a "member bank" and a "bank";
6. the term "covered transaction" means with respect to an affiliate of a member bank--

B. 僅為會員銀行佔有辦公處所之公司；
C. 僅經營保管業務之公司；
D. 僅從事持有聯邦政府或其機關之債務，或由聯邦政府或其機關保證本金及利息之債務之公司；
E. 公司之控制權源自前善意訂定債務之行使，期間應限於相關之州法令或聯邦法令所規定者，如無相關規定，以行使該權利之日或本法生效日兩者中較晚之日起算 2 年為期間；如經申請，聯準會每次最多得延長 1 年，但最長不得超過 3 年。
F. 公司或股東在下列情形下視為對公司有控制權—
i. 該公司或股東直接或間接或經由 1 人或多人之持有，控制另一家公司 25%以上具表決權之股票；
ii. 該公司或股東以任何形式控制另一家公司半數以上董事或受託人選舉；
iii. 聯準會於經通知及召開聽證會後，認定該公司或股東直接或間接對另一家公司之經營與決策有控制性之影響力。
G. 縱本條有其他規定，除本項(1)(c)所述之情形及公司以企業信託持有或控制該股權外，以信託性質持有或控制股權，不應視為持有或控制另一公司。

3. 所稱公司之「子公司」，係指為該公司所控制之公司。
4. 「銀行」一詞，包括州註冊銀行、聯邦註冊銀行、金融機構及信託公司。
5. 「公司」一詞，係指公司組織、合夥事業、企業信託、機構或其他類似之組織，除特殊情況外，「公司」包括「會員銀行」及「銀行」。
6. 會員銀行與其關係企業間之「交易」，係指—

A. a loan or extension of credit to the affiliate, including a purchase of assets subject to an agreement to repurchase;
B. a purchase of or an investment in securities issued by the affiliate;
C. a purchase of assets from the affiliate, except such purchase of real and personal property as may be specifically exempted by the Board by order or regulation;
D. the acceptance of securities or other debt obligations issued by the affiliate as collateral security for a loan or extension of credit to any person or company;
E. the issuance of a guarantee, acceptance, or letter of credit, including an endorsement or standby letter of credit, on behalf of an affiliate;
F. a transaction with an affiliate that involves the borrowing or lending of securities, to the extent that the transaction causes a member bank or a subsidiary to have credit exposure to the affiliate; or
G. a derivative transaction, as defined in paragraph (3) of section 5200(b) of the Revised Statutes of the United States (12 U.S.C. 84(b)), with an affiliate, to the extent that the transaction causes a member bank or a subsidiary to have credit exposure to the affiliate;

7. the term "aggregate amount of covered transactions" means the amount of the covered transactions about to be engaged in added to the current amount of all outstanding covered transactions;
8. the term "securities" means stocks, bonds, debentures, notes, or other similar obligations; and
9. the term "low-quality asset" means an asset that falls in any one or more of the following categories:
   A. an asset classified as "substandard", "doubtful", or "loss" or treated as " other loans especially mentioned" in the most recent report of examination or inspection of an affiliate prepared by either a Federal or State supervisory agency;
   B. an asset in a nonaccrual status;
   C. an asset on which principal or interest payments are more than thirty days past due; or
   D. an asset whose terms have been renegotiated or compromised due to the deteriorating financial condition of the obligor.

A.對關係企業之放款及授信；
B.購買或投資關係企業發行之證券；
C.向關係企業購買資產，包括依附買回契約購買之資產。但聯準會依命令或規定豁免之特定動產及不動產之購買除外；
D.受理關係企業所發行之證券，作為放款或授信予個人或公司之擔保品；
E.為關係企業保證、承兌或開立信用狀，包括背書或擔保信用狀。
F.與關係企業所進行之借券或融券相關交易，該交易使會員銀行或子公司對該關係企業產生信用曝險；或
G.與關係企業所進行之衍生性交易(定義於修訂版成文法第5200(b)條第3項(美國法典第12編第84條第b項))，該交易使會員銀行或子公司對該關係企業產生信用曝險。

7.「交易總額」一詞，係指目前未償付之交易餘額加計即將進行之交易金額；
8.「證券」一詞，係指股票、債券、票據及其他類似之債務；
9.「低品質資產」一詞，係指符合下列類型其中之一之資產：
   A.聯邦或州監理機關最近一次檢查報告被評為「低於標準」、「收回可疑」、「損失」或「其他需特別注意之貸款」之資產；
   B.催收資產；
   C.本金或利息之支付已逾期30天以上之資產；
   D.已因債務人財務狀況惡化，而就交易條件重新協議或讓步之資產。

10. In addition to paragraph (3), a company or shareholder shall be presumed to control any other company if the company or shareholder, directly or indirectly, or acting through 1 or more other persons, owns or controls 15 percent or more of the equity capital of the other company pursuant to subparagraph (H) or (I) of section 4(k)(4) of the Bank Holding Company Act of 1956 or rules adopted under section 122 of the Gramm-Leach-Bliley Act, if any, unless the company or shareholder provides information acceptable to the Board to rebut this presumption of control.

Collateral for Certain Transactions with Affiliates

(c)

1. Each loan or extension of credit to, or guarantee, acceptance, or letter of credit issued on behalf of, an affiliate by a member bank or its subsidiary, and any credit exposure of a member bank or a subsidiary to an affiliate resulting from a securities borrowing or lending transaction, or a derivative transaction, shall be secured at all times by collateral having a market value equal to-

A. 100 per centum of the amount of such loan or extension of credit, guarantee, acceptance, letter of credit, or credit exposure if the collateral is composed of--

i. obligations of the United States or its agencies;

ii. obligations fully guaranteed by the United States or its agencies as to principal and interest;

iii. notes, drafts, bills of exchange or bankers' acceptances that are eligible for rediscount or purchase by a Federal Reserve Bank; or

iv. a segregated, earmarked deposit account with the member bank;

B. 110 per centum of the amount of such loan or extension of credit, guarantee, acceptance, letter of credit, or credit exposure if the collateral is composed of obligations of any State or political subdivision of any State;

C. 120 per centum of the amount of such loan or extension of credit, guarantee, acceptance, letter of credit, or credit exposure if the collateral is composed of other debt instruments, including receivables; or

D. 130 per centum of the amount of such loan or extension of credit, guarantee, acceptance, letter of credit, or credit exposure if the collateral is composed of stock, leases, or other real or personal property.

10. 除第(3)目外，該公司或股東依 1956 年的「銀行控股公司法」(Bank Holding Company Act)第 4k(4)條第(H)項或第(I)項或依金融業務現代化法(Gramm-Leach-Bliley Act)第 122 條訂定之規則，直接或間接或經由一人或多人之持有或控制另一家公司股權資本 25%者，推定具有控制力。如該公司或股東提供否認控制力之資訊且為聯準會所接受，則不在此限。

關係企業交易之擔保品

(c)

1. 會員銀行或其子公司對關係企業之放款、授信或為其保證、承兌或開立信用狀，或會員銀行或子公司與關係企業之借券或融券交易或衍生性交易所產生之信用曝險，其所提供擔保品之市價於任何時候均應等於—

A. 擔保品為下列項目者，其市價須為該筆放款、授信、保證、承兌、信用狀或信用曝險之 100%金額—

i. 聯邦政府或其機關之負債；

ii. 由聯邦政府或其機關保證本金及利息之債務；

iii. 得向聯邦準備銀行重貼現或出售之合格票據、匯票或銀行承兌匯票；

iv. 會員銀行特別指撥之存款帳戶。

B. 擔保品為州政府或其行政部門之負債，其市價應等於該筆放款、授信、保證、承兌、信用狀或信用曝險金額之 110%。

C. 擔保品為應收帳款等之其他負債，其市價應等於該筆放款、授信、保證、承兌、信用狀或信用曝險金額之 120%。

D. 擔保品為股票、租賃或其他動產或不動產者，其市價應等於該筆放款、授信、保證、承兌、信用狀或信用曝險金額之 130%。

2. A low-quality asset shall not be acceptable as collateral for a loan or extension of credit to, or guarantee, acceptance, or letter of credit issued on behalf of, an affiliate, or credit exposure to an affiliate resulting from a securities borrowing or lending transaction, or derivative transaction.
3. The securities or other debt obligations issued by an affiliate of the member bank shall not be acceptable as collateral for a loan or extension of credit to, guarantee, acceptance, or letter of credit issued on behalf of, or credit exposure from a securities borrowing or lending transaction, or derivative transaction to, that affiliate or any other affiliate of the member bank.
4. The collateral requirements of this paragraph shall not be applicable to an acceptance that is already fully secured either by attached documents or by other property having an ascertainable market value that is involved in the transaction.

Exemptions

(d) The provisions of this section, except paragraph (a)(4), shall not be applicable to--

1. any transaction, subject to the prohibition contained in subsection (a)(3), with a bank--
   A. which controls 80 per centum or more of the voting shares of the member bank;
   B. in which the member bank controls 80 per centum or more of the voting shares; or
   C. in which 80 per centum or more of the voting shares are controlled by the company that controls 80 per centum or more of the voting shares of the member bank;
2. making deposits in an affiliated bank or affiliated foreign bank in the ordinary course of correspondent business, subject to any restrictions that the Board may prescribe by regulation or order;
3. giving immediate credit to an affiliate for uncollected items received in the ordinary course of business;
4. making a loan or extension of credit to, issuing a guarantee, acceptance, or letter of credit on behalf of, or having credit exposure resulting from a securities borrowing or lending transaction, or derivative transaction to, an affiliate that is fully secured by--
   A. obligations of the United States or its agencies;
   B. obligations fully guaranteed by the United States or its agencies as to principal and interest; or
   C. a segregated, earmarked deposit account with the member bank;

2. 低品質資產不得作為對該關係企業放款或授信或為其保證、承兌或開立信用狀，或會員銀行或子公司與關係企業之借券或融券交易或衍生性交易所產生之信用曝險之擔保品。
3. 會員銀行關係企業發行之債券或其他債權憑證不得作為對該會員銀行之該關係企業或其他關係企業之放款或授信，或為其保證、承兌或開立信用狀，或會員銀行或子公司與關係企業之借券或融券交易或衍生性交易所產生之信用曝險之擔保品。
4. 本款所述擔保品之規定不適用於已獲具市價之跟單文件及其他財產十足擔保之承兌。

豁免

(d) 本條規定除第(a)(4)款外，不適用於下列情形—

1. 應遵守第(a)(3)項限制規定之交易，其交易對象為下列所述銀行—
   A. 控制會員銀行 80%以上之表決權股份者；
   B. 其 80%以上之表決權股份為會員銀行所持有者；
   C. 控制會員銀行 80%以上表決權股份之公司控制該銀行 80%以上表決權股份者。
2. 依聯準會所定規定或命令之限制，因正常業務往來，而在關係企業銀行或關係企業外國銀行所為之存款。
3. 對關係企業之正常業務應收但尚未收取之款項給予立即之信用。
4. 對關係企業之放款、授信或為關係企業保證、承兌或開立信用狀，或會員銀行或子公司與關係企業之借券或融券交易或衍生性交易所產生之信用曝險，經下列擔保品十足擔保者—
   A. 聯邦政府或其機關之負債；
   B. 經聯邦政府或其機關十足保證本金及利息之債務；
   C. 會員銀行特別指撥之存款帳戶。

5. purchasing securities issued by any company of the kinds described in section 4(c)(1) of the Bank Holding Company Act of 1956;
6. purchasing assets having a readily identifiable and publicly available market quotation and purchased at that market quotation or, subject to the prohibition contained in subsection (a)(3), purchasing loans on a nonrecourse basis from affiliated banks; and
7. purchasing from an affiliate a loan or extension of credit that was originated by the member bank and sold to the affiliate subject to a repurchase agreement or with recourse.

(e) **Rules relating to banks with financial subsidiaries.**

1. For purposes of this section and section 23B, the term "financial subsidiary" means any company that is a subsidiary of a bank that would be a financial subsidiary of a national bank under section 5136A of the Revised Statutes of the United States.
2. For purposes of applying this section and section 23B, and notwithstanding subsection (b)(2) of this section or section 23B(d)(1), a financial subsidiary of a bank--
   A. shall be deemed to be an affiliate of the bank; and
   B. shall not be deemed to be a subsidiary of the bank.
3. For purposes of this section and section 23B--
   A. any purchase of, or investment in, the securities of a financial subsidiary of a bank by an affiliate of the bank shall be considered to be a purchase of or investment in such securities by the bank; and
   B. any extension of credit by an affiliate of a bank to a financial subsidiary of the bank shall be considered to be an extension of credit by the bank to the financial subsidiary if the Board determines that such treatment is necessary or appropriate to prevent evasions of this Act and the Gramm-Leach-Bliley Act.

Rulemaking and Additional Exemptions

(f)

1. The Board may issue such further regulations and orders, including definitions consistent with this section, as may be necessary to administer and carry out the purposes of this section and to prevent evasions thereof.
2. A. In general. The Board may, at its discretion, by regulation exempt transactions or relationships from the requirements of this section if--
   i. the Board finds the exemption to be in the public interest and consistent with the purposes of this section, and notifies the Federal Deposit Insurance Corporation of such finding; and

5. 購買 1956 年銀行控股公司法第 4(c)(1)條款所述公司發行之證券。
6. 以市價自關係銀行購買具市價之資產，或受第(a)(3)項之限制，自關係銀行購買不具追索權之放款。
7. 自關係企業購買源於會員銀行之放款或授信，或依附買回契約或依追索權出售予關係企業之放款或授信。

(e)**有關銀行及其金融機構子公司之規範**

1. 為本條及第 23B 條之目的，「金融機構子公司」一詞係指銀行之子公司中，得依經修正之美國法典第 5136A 條成為聯邦註冊銀行之金融機構子公司者。
2. 為適用本條及第 23B 條之目的，縱有本條第(b)(2)項及第 23B(d)(1)條規定，銀行之金融機構子公司—
   A. 應視為銀行之關係企業；
   B. 不應視為銀行之子公司。
3. 為本條及第 23B 條規定之目的—
   A. 銀行之關係企業投資或購買銀行之金融機構子公司之證券，應視為該銀行所為之購買或投資；
   B. 銀行關係企業對銀行之金融機構子公司之授信，應視為銀行對金融機構子公司之授信，如經聯準會認為此為防止規避本法及金融業務現代化法(Gramm-Leach-Bliley Act)所必要或屬適當者。

立法與附加豁免事項

(f)

1. 聯準會因執行及防範規避本條規定之必要，得進一步發布規定或命令，內容可包括與本條一致之名詞定義。
2. A. 一般情形。於符合下列條件下，聯準會得依其裁量制定規定豁免交易或關係企業適用本條規定：
   i. 聯準會認為豁免符合公共利益及與本條目的一致，並通知聯邦存款保險公司上述認定。

ii. before the end of the 60-day period beginning on the date on which the Federal Deposit Insurance Corporation receives notice of the finding under clause (i), the Federal Deposit Insurance Corporation does not object, in writing, to the finding, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.

B. Additional exemptions.

i. National banks. The Comptroller of the Currency may, by order, exempt a transaction of a national bank from the requirements of this section if--

I. the Board and the Office of the Comptroller of the Currency jointly find the exemption to be in the public interest and consistent with the purposes of this section and notify the Federal Deposit Insurance Corporation of such finding; and

II. before the end of the 60-day period beginning on the date on which the Federal Deposit Insurance Corporation receives notice of the finding under subclause (I), the Federal Deposit Insurance Corporation does not object, in writing, to the finding, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.

ii. State banks. The Federal Deposit Insurance Corporation may, by order, exempt a transaction of a State nonmember bank, and the Board may, by order, exempt a transaction of a State member bank, from the requirements of this section if--

I. the Board and the Federal Deposit Insurance Corporation jointly find that the exemption is in the public interest and consistent with the purposes of this section; and

II. the Federal Deposit Insurance Corporation finds that the exemption does not present an unacceptable risk to the Deposit Insurance Fund.

3. A. Not later than 18 months after the date of the enactment of the Gramm-Leach-Bliley Act, the Board shall adopt final rules under this section to address as covered transactions credit exposure arising out of derivative transactions between member banks and their affiliates and intraday extensions of credit by member banks to their affiliates.

B. The effective date of any final rule adopted by the Board pursuant to subparagraph (A) shall be delayed for such period as the Board deems necessary or appropriate to permit banks to conform their activities to the requirements of the final rule without undue hardship.

ii. 聯邦存款保險公司於收到依前款所為之認定通知之 60 日期間結束前，未因判斷該豁免對存款保險基金造成無法容許之風險，而以書面對該決定表示反對。

B. 其他豁免。

i. 聯邦註冊銀行。於符合下列條件下，通貨監理局長得以命令豁免聯邦註冊銀行之交易適用本條之規定：

I. 聯準會及通貨監理局一致認定豁免符合公共利益及本條規定之目的，並通知聯邦存款保險公司該認定結果；且

II. 聯邦存款保險公司於收到依前款所為之決定通知之 60 日期間結束前，未因判斷該豁免對存款保險基金造成無法容許之風險，而以書面對該決定表示反對。

ii. 州註冊銀行。於符合下列條件下，聯邦存款保險公司得以命令豁免州註冊非會員銀行之交易適用本條之規定；聯準會得以命令豁免州註冊會員銀行之交易適用本條之規定：

I. 聯準會及聯邦存款保險公司一致認定豁免符合公共利益及本條規定之目的；且

II. 聯邦存款保險公司判斷該豁免並未對存款保險基金造成無法容許之風險。

3. A. 金融業務現代化法(Gramm-Leach-Bliley Act)制定後 18 個月內，聯準會須依本條訂定規則，處理由會員銀行及其關係企業所為衍生性金融商品及日間授信所生之信用曝險。

B. 聯準會依第(A)目所定規則之施行日期，該會得為了給予銀行因遵循規定執行業務無不當困難之必要期間或適當期間而延後之。

4. Amounts of covered transactions. The Board may issue such regulations or interpretations as the Board determines are necessary or appropriate with respect to the manner in which a netting agreement may be taken into account in determining the amount of a covered transaction between a member bank or a subsidiary and an affiliate, including the extent to which netting agreements between a member bank or a subsidiary and an affiliate may be taken into account in determining whether a covered transaction is fully secured for purposes of subsection(d)(4). An interpretation under this paragraph with respect to a specific member bank, subsidiary, or affiliate shall be issued jointly with the appropriate federal banking agency for such member bank, subsidiary, or affiliate.

[12 USC 371c. As added by act of June 16, 1933 (48 Stat. 183) and amended by acts of Aug. 23, 1935 (49 Stat. 717); June 30, 1954 (68 Stat. 358); Sept. 8, 1959 (73 Stat. 457); July 1, 1966 (80 Stat. 241, 243); Oct. 15, 1982 (96 Stat. 1515); Jan. 12, 1983 (96 Stat. 2509); Nov. 12, 1999 (113 Stat. 1378, 1379, 1380); and July 21, 2010 (124 Stat. 1608, 1611). Section 410 of the Garn-St Germain Depository Institutions Act of 1982, which completely revised this section, provides in paragraph (c) (12 USC 371c note) the following:
(c) Section 23A of the Federal Reserve Act, as amended by this section, shall apply to any transaction entered into after the date of enactment of this Act [October 15, 1982], except for transactions which are the subject of a binding written contract or commitment entered into on or before July 28, 1982, and except that any renewal of a participation in a loan outstanding on July 28, 1982, to a company that becomes an affiliate as a result of the enactment of this Act, or any participation in a loan to such an affiliate emanating from the renewal of a binding written contract or commitment outstanding on July 28, 1982, shall not be subject to the collateral requirements of this Act.]

Section 23B. Restrictions on Transactions with Affiliates

(a)

1. A member bank and its subsidiaries may engage in any of the transactions described in paragraph (2) only--
   A. on terms and under circumstances, including credit standards, that are substantially the same, or at least as favorable to such bank or its subsidiary, as those prevailing at the time for comparable transactions with or involving other nonaffiliated companies, or
   B. in the absence of comparable transactions, on terms and under circumstances, including credit standards, that in good faith would be offered to, or would apply to, nonaffiliated companies.

4. 交易總額。聯準會得就淨額結算協議是否算入會員銀行或關係企業與子公司之交易總額，發布必要或適當之規則或解釋，包括認定會員銀行或關係企業與子公司間之淨額結算協議，可否於計算交易是否已達第(d)(4)款所定之十足擔保時計入。依本款就特定會員銀行、關係企業或子公司所為之解釋，須與該會員銀行、關係企業或子公司之聯邦主管金融機關共同發布。

〔見美國法典第 12 編第 371 條第 c 項，1933 年 6 月 16 日立法（法律輯錄第 48 冊第 183 頁）增訂本條文。復經 1935 年 8 月 23 日立法（法律輯錄第 49 冊第 717 頁），1954 年 6 月 30 日立法（法律輯錄第 68 冊第 358 頁），1959 年 9 月 8 日立法（法律輯錄第 73 冊第 457 頁），1966 年 7 月 1 日立法（法律輯錄第 80 冊第 241 頁及第 243 頁），1982 年 10 月 15 日立法（法律輯錄第 96 冊第 11515 頁），及 1983 年 1 月 12 日立法（法律輯錄第 96 冊第 2509 頁）修正，1999 年 11 月 12 日立法（法律輯錄第 113 冊第 1378 頁、第 1379 頁及第 1380 頁）修正，2010 年 7 月 21 日立法（法律輯錄第 124 冊第 1608 頁及第 1611 頁）修正，1982 年葛恩—聖喬曼存款機構法（Garn-St Germain Depository Institutions Act）第 410 條完全修正本條文，其第(c)款（美國法典第 12 編第 371c 條附註）規定如下：(c)經本條修正之聯邦準備法第 23A 條應適用於本法生效日(1982 年 10 月 15 日)後之交易，但於 1982 年 7 月 28 日前已訂定具約束力之書面契約或承諾，以及因該法生效而成為關係企業之公司，於 1982 年 7 月 28 日之未償還聯貸放款之展期，或由具拘束力之書面契約或承諾之續約而產生之關係企業聯貸等，均不受本法擔保品規定之限制。〕

第 23B 條　與關係企業交易之限制

(a)

1. 會員銀行及其子公司得依下列條件參與第⑵款所述之交易—
   A. 對該銀行及子公司之條件及情況（包括信用標準），不得優於同時期對非關係企業公司之類似交易；
   B. 如無類似交易，則應依誠信原則認定對非關係企業會提供或適用之條件及情況（包括信用標準）。

2. Paragraph (1) applies to the following:
   A. Any covered transaction with an affiliate.
   B. The sale of securities or other assets to an affiliate, including assets subject to an agreement to repurchase.
   C. The payment of money or the furnishing of services to an affiliate under contract, lease, or otherwise.
   D. Any transaction in which an affiliate acts as an agent or broker or receives a fee for its services to the bank or to any other person.
   E. Any transaction or series of transactions with a third party--
      i. if an affiliate has a financial interest in the third party, or
      ii. if an affiliate is a participant in such transaction or series of transactions.
3. For the purpose of this subsection, any transaction by a member bank or its subsidiary with any person shall be deemed to be a transaction with an affiliate of such bank if any of the proceeds of the transaction are used for the benefit of, or transferred to, such affiliate.

Prohibited Transactions

(b)

1. A member bank or its subsidiary--
   A. shall not purchase as fiduciary any securities or other assets from any affiliate unless such purchase is permitted--
      i. under the instrument creating the fiduciary relationship,
      ii. by court order, or
      iii. by law of the jurisdiction governing the fiduciary relationship; and
   B. whether acting as principal or fiduciary, shall not knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security if a principal underwriter of that security is an affiliate of such bank.
2. Subparagraph (B) of paragraph (1) shall not apply if the purchase or acquisition of such securities has been approved, before such securities are initially offered for sale to the public, by a majority of the directors of the bank based on a determination that the purchase is a sound investment for the bank irrespective of the fact that an affiliate of the bank is a principal underwriter of the securities.
3. For the purpose of this subsection--
   A. the term "security" has the meaning given to such term in section 3(a)(10) of the Securities Exchange Act of 1934; and

2. 第(1)款之規定應適用於下列交易—
   A. 與關係企業之所有交易。
   B. 出售證券或其他資產予關係企業，包括附買回契約之資產。
   C. 依契約或租賃等對關係企業付款或提供服務。
   D. 關係企業為銀行或他人擔任代理人、經紀人或為其服務收取費用之交易。
   E. 與第三人所為之交易或連續性交易，如有以下情形者—
      (i) 關係企業對該第三人有財務上利害關係者；或
      (ii) 關係企業為該項交易或連續性交易之參與者。
3. 為本項之目的，如會員銀行或其子公司與他人之交易所得有利於該銀行之關係企業，或交易所得將移轉至該關係企業者，則應視為與關係企業之交易。

禁止之交易

(b)

1. 會員銀行或其子公司—
   A. 除依下列情形而經許可者外，不得以受託人地位自關係企業購買證券或其他資產—
      i. 依成立信託關係之契約所為者；
      ii. 依法院命令所為者；
      iii. 依規範信託關係之準據法所為者。
   B. 於承銷或共銷期間，如該證券主要承銷人為銀行之關係企業者，不論其擔任委託人或受託人，均不得購買或取得該證券。
2. 如購買或取得該證券之行為，於證券公開發行前已獲得該銀行之董事多數決許可，鑒於該項購買係屬該銀行之穩健投資，爰與該證券之主要承銷商為該銀行之關係企業一事無關，故不適用第(1)款第(B)目之規定。
3. 為本項之目的—

A.「證券」一詞與 1934 年證券交易法第 3(a)(10)條之定義相同。

B. the term "principal underwriter" means any underwriter who, in connection with a primary distribution of securities--
   i. is in privity of contract with the issuer or an affiliated person of the issuer;
   ii. acting alone or in concert with one or more other persons, initiates or directs the formation of an underwriting syndicate; or
   iii. is allowed a rate of gross commission, spread, or other profit greater than the rate allowed another underwriter participating in the distribution.

Advertising Restriction

(c) A member bank or any subsidiary or affiliate of a member bank shall not publish any advertisement or enter into any agreement stating or suggesting that the bank shall in any way be responsible for the obligations of its affiliates.

Definitions

(d) For the purpose of this section--

1. the term "affiliate" has the meaning given to such term in section 23A (but does not include any company described in section (b)(2) of such section or any bank);
2. the terms "bank", "subsidiary", "person", and "security" (other than security as used in subsection (b)) have the meanings given to such terms in section 23A; and
3. the term "covered transaction" has the meaning given to such term in section 23A (but does not include any transaction which is exempt from such definition under subsection (d) of such section).

Regulations

(e)

1. In general. The Board may prescribe regulations to administer and carry out the purposes of this section, including--
   A. regulations to further define terms used in this section; and
   B. subject to paragraph (2), if the Board finds that an exemption or exclusion is in the public interest and is consistent with the purposes of this section, and notifies the Federal Deposit Insurance Corporation of such finding, regulations to--
      i. exempt transactions or relationships from the requirements of this section; and
      ii. exclude any subsidiary of a bank holding company from the definition of affiliate for purposes of this section.
2. Exception. The Board may grant an exemption or exclusion under this subsection only if, during the 60-day period beginning on the date of receipt of notice of the finding from the Board under paragraph (1)(B), the Federal Deposit Insurance Corporation does not object, in writing, to such exemption or exclusion, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.

B.「主要承銷人」一詞，係指涉及證券主要銷售之下列各項承銷人—
   i. 與證券發行人或發行人之關係人有契約關係存在；
   ii. 單獨發起或與他人共同發起聯合承銷；
   iii. 佣金、利差或其他利潤大於參與此項承銷之其他人。

廣告之限制

(c)會員銀行或其子公司或關係企業不得刊登廣告或締結任何協定，聲明該銀行對其關係企業之債務負責。

定義

(d)為本條之目的—

1.「關係企業」一詞與第 23A 條之定義相同（但不包括該條第(b)(2)項所述之公司或銀行）。
2.「銀行」、「子公司」、「人」及「證券」（第(b)項所述之證券除外）等用詞，與第 23A 條之定義相同。
3.「交易」一詞與第 23A 條之定義相同（但不包括該條第(d)項豁免之交易）。

法規

(e)

1. 一般情形。聯準會得制定法規以達本條之目的，包括—
   A. 進一步制定法規以定義本條所使用之名詞。
   B. 依第(2)項規定，聯準會如認為豁免或排除符合公共利益且與本條目的一致，並通知聯邦存款保險公司上述認定，得制定法規以—
      i. 豁免某些交易適用本條之規定。
      ii. 為本條之目的，排除銀行控股公司之子公司於關係企業定義之外。
2. 例外情形。聯準會僅於聯邦存款保險公司接獲其依第(1)(B)項所為之認定通知之日起算 60 日內，未因判斷該豁免對存款保險基金造成無法容許之風險，而以書面對該決定表示反對，始得依本款規定給予豁免或排除。

[12 USC 371c-1. As added by act of Aug. 10, 1987 (101 Stat. 564) and amended by acts of Nov. 12, 1999 (113 Stat. 1480) and July 21, 2010 (124 Stat. 1610).]

Section 24. Real Estate Loans

(a) Any national banking association may make, arrange, purchase or sell loans or extensions of credit secured by liens on interests in real estate, subject to such terms, conditions, and limitations as may be prescribed by the Comptroller of the Currency by order, rule, or regulation.

(b) Notes representing loans made under this section to finance the construction of residential or farm buildings and having maturities not to exceed nine months shall be eligible for discount as commercial paper within the terms of the second paragraph of section 13 of the Federal Reserve Act if accompanied by a valid and binding agreement to advance the full amount of the loan upon the completion of the building entered into by an individual, partnership, association, or corporation acceptable to the discounting bank.

[12 USC 371. As amended by acts of Aug. 14, 1946 (60 Stat. 1072); May 25, 1948 (62 Stat. 265); Oct. 25, 1949 (63 Stat. 906); April 20, 1950 (64 Stat. 80); Sept. 1, 1951 (65 Stat. 303, 312); Aug. 15, 1953 (67 Stat. 614); July 22, 1954 (68 Stat. 525); Aug. 17, 1954 (68 Stat. 735); Aug. 11, 1955 (69 Stat. 633, 634); July 18, 1958 (72 Stat. 396); Sept. 9, 1959 (73 Stat. 489); June 30, 1961 (75 Stat. 188, 191); Sept. 28, 1962 (76 Stat. 662, 663); June 30, 1964 (78 Stat. 233); Sept. 2, 1964 (78 Stat. 807); Aug. 10, 1965 (79 Stat. 465, 509); Nov. 3, 1966 (80 Stat. 1277); May 25, 1967 (81 Stat. 28); Aug. 1, 1968 (82 Stat. 518, 609); July 24, 1970 (84 Stat. 462); Dec. 31, 1970 (84 Stat. 1803); Aug. 22, 1974 (88 Stat. 716, 725); and Oct. 15, 1982 (96 Stat. 1510).]

〔見美國法典第 12 編第 371 條第 c-1 項，1987 年 8 月 10 日立法（法律輯錄第 101 冊第 564 頁）增訂本條文。復經 1999 年 11 月 12 日立法（法律輯錄第 113 冊第 1480 頁）；2010 年 7 月 21 日立法（法律輯錄第 124 冊第 1610 頁）予以修正。〕

第 24 條　不動產抵押貸款

(a)聯邦註冊銀行得依通貨監理局長以命令、規則或規定所訂定之條件、期限及限制，辦理或買賣不動產抵押放款或授信。

(b)表彰依本項規定而為之住宅或農村建築貸款，且期限不超過 9 個月之本票，如附有貼現銀行所接受之個人、合夥、協會或公司所簽訂約定於建築完成即清償貸款之有效協議，該本票得視為得依本法第 13 條第 2 款規定之條件予以貼現之合格商業本票。

〔見美國法典第 12 編第 371 條，經 1946 年 8 月 14 日立法（法律輯錄第 60 冊第 1072 頁）；1948 年 5 月 25 日立法（法律輯錄第 62 冊第 265 頁）；1949 年 10 月 25 日立法（法律輯錄第 63 冊第 906 頁）；1950 年 4 月 20 日立法（法律輯錄第 64 冊第 80 頁）：1951 年 9 月 1 日立法（法律輯錄第 65 冊第 303 頁及第 312 頁）；1953 年 8 月 15 日立法（法律輯錄第 67 冊第 614 頁）；1954 年 7 月 22 日立法（法律輯錄第 68 冊第 525 頁）；1954 年 8 月 17 日立法（法律輯錄第 68 冊第 735 頁）；1955 年 8 月 11 日立法（法律輯錄第 69 冊第 633 頁及第 634 頁）；1958 年 7 月 18 日立法（法律輯錄第 72 冊第 396 頁）；1959 年 9 月 9 日立法（法律輯錄第 73 冊第 489 頁）；1961 年 6 月 30 日立法（法律輯錄第 75 冊第 188 頁及第 191 頁）；1962 年 9 月 28 日立法（法律輯錄第 76 冊第 662 頁及第 663 頁）；1964 年 6 月 30 日立法（法律輯錄第 78 冊第 233 頁）；1965 年 8 月 10 日立法（法律輯錄第 79 冊第 465 頁及第 509 頁）；1966 年 11 月 3 日立法（法律輯錄第 80 冊第 1277 頁）；1967 年 5 月 25 日立法（法律輯錄第 81 冊第 28 頁）；1968 年 8 月 1 日立法（法律輯錄第 82 冊第 518 頁及第 609 頁）；1970 年 7 月 24 日立法（法律輯錄第 84 冊第 462 頁）；1970 年 12 月 31 日立法（法律輯錄第 84 冊第 1803 頁）；1974 年 8 月 22 日立法（法律輯錄第 88 冊第 76 頁及第 725 頁）；1982 年 10 月 15 日立法（法律輯錄第 96 冊第 1510 頁）予以修正。〕

Section 24A. Investment in Bank Premises or Stock of Corporation Holding Premises

(a) **Conditions of investment**. No national bank or State member bank shall invest in bank premises, or in the stock, bonds, debentures, or other such obligations of any corporation holding the premises of such bank, or make loans to or upon the security of any such corporation--

1. unless the bank receives the prior approval of the Comptroller of the Currency (with respect to a national bank) or the Board (with respect to a State member bank);
2. unless the aggregate of all such investments and loans, together with the amount of any indebtedness incurred by any such corporation that is an affiliate of the bank, is less than or equal to the amount of the capital stock of such bank; or
3. unless--
   A. the aggregate of all such investments and loans, together with the amount of any indebtedness incurred by any such corporation that is an affiliate of the bank, is less than or equal to 150 percent of the capital and surplus of the bank; and
   B. the bank--
      i. has a CAMEL composite rating of 1 or 2 under the Uniform Financial Institutions Rating System (or an equivalent rating under a comparable rating system) as of the most recent examination of such bank;
      ii. is well capitalized and will continue to be well capitalized after the investment or loan; and
      iii. provides notification to the Comptroller of the Currency (with respect to a national bank) or to the Board (with respect to a State member bank) not later than 30 days after making the investment or loan.

(b) **Definitions. For purposes of this section**--

1. the term "affiliate" has the same meaning as in section 2 of the Banking Act of 1933; and the term "well capitalized" has the same meaning as in section 38(b) of the Federal Deposit Insurance Act.

[12 USC 371d. As added by act of June 16, 1933 (48 Stat. 183); amended by acts of June 30, 1954 (68 Stat. 358) and Sept. 30, 1996 (110 Stat. 3009-405).]

第 24A 條　投資銀行不動產或持有該銀行不動產公司之股份

(a)**投資之條件**。聯邦註冊銀行或州會員銀行除符合下列情形外，不得投資銀行不動產，或投資持有該銀行不動產公司之股份、債券或其他債務，或對該公司放款或為以該公司之股票為擔保品之放款—

1. 聯邦註冊銀行經通貨監理局長事前核准，或州會員銀行經聯準會事前核准。
2. 所有投資、貸款及銀行關係企業所負之債務總數小於或等於該銀行之股本。
3. A. 該銀行之所有投資、貸款及銀行關係企業所負之債務總數小於或等於該銀行之資本及盈餘之 150%；且
   B. i. 該銀行最近一次之檢查結果達到金融機構統一評等制度（Uniform Financial Institutions Rating System）CAMEL 綜合等級第一級或第二級（或其他評等機構之等值評等）；
      ii. 該銀行為充足資本且於投資或放款後仍維持充足資本。
      iii. 該銀行於投資或放款後 30 日內通知通貨監理局長（屬聯邦註冊銀行者）或聯準會（屬州會員銀行者）。

(b)**為本條之目的，相關名詞定義如下**—

1. 「關係企業」之定義與修正後 1933 年銀行法第 2 條之定義同；「充足資本(well capitalized)」之定義與聯邦存款保險法第 38 條第(b)項之定義同。

〔見美國法典第 12 編第 371 條第 d 項，1933 年 6 月 16 日立法（法律輯錄第 48 冊第 183 頁）增訂本條；復經 1954 年 6 月 30 日立法（法律輯錄第 68 冊第 358 頁）；1996 年 9 月 30 日立法（法律輯錄第 110 冊第 3009 頁至第 3045 頁予以修正）。〕

Section 25. Foreign Branches

1. Capital and Surplus Required to Exercise Powers

Any national banking association possessing a capital and surplus of $1,000,000 or more may file application with the Board of Governors of the Federal Reserve System for permission to exercise, upon such conditions and under such regulations as may be prescribed by the said board, the following powers:

[12 USC 601. As amended by act of Sept. 7, 1916 (39 Stat. 755), which completely revised this section, and by act of July 1, 1966 (80 Stat. 241).]

2. Establishment of Foreign Branches

First. To establish branches in foreign countries or dependencies or insular possessions of the United States for the furtherance of the foreign commerce of the United States, and to act if required to do so as fiscal agents of the United States.

[12 USC 601. As amended by act of Sept. 7, 1916 (39 Stat. 755), which completely revised this section.]

3. Purchase of Stock in Corporations Engaged in Foreign Banking

Second. To invest an amount not exceeding in the aggregate ten per centum of its paid-in capital stock and surplus in the stock of one or more banks or corporations chartered or incorporated under the laws of the United States or of any State thereof, and principally engaged in international or foreign banking, or banking in a dependency or insular possession of the United States either directly or through the agency, ownership, or control of local institutions in foreign countries, or in such dependencies or insular possessions.

[12 USC 601. As added by act of Sept. 7, 1916 (39 Stat. 755), which completely revised this section.]

4. Acquisition of Ownership of Foreign Banks

Third. To acquire and hold, directly or indirectly, stock or other evidences of ownership in one or more banks organized under the law of a foreign country or a dependency or insular possession of the United States and not engaged, directly or indirectly, in any activity in the United States except as, in the judgment of the Board of Governors of the Federal Reserve System, shall be incidental to the international or foreign business of such foreign bank; and, notwithstanding the provisions of section 23A of this Act, to make loans or extensions of credit to or for the account of such bank in the manner and within the limits prescribed by the Board by general or specific regulation or ruling.

[12 USC 601. As added by act of July 1, 1966 (80 Stat. 241).]

第 25 條　國外分行

1. 行使權力所需之資本及盈餘

擁有 100 萬美元以上之資本及盈餘之聯邦註冊銀行，得向聯準會申請依聯準會所定之法規，行使下列權力：

〔見美國法典第 12 編第 601 條。1916 年 9 月 7 日修正（法律輯錄第 39 冊第 755 頁）；復經 1966 年 7 月 1 日全面修正本條（法律輯錄第 80 冊第 241 頁）。〕

2. 設立國外分行

第一、為促進美國海外商務發展，並依法擔任聯邦政府之財務代理，得在外國、屬地或外島設立分行。

〔見美國法典第 12 編第 601 條。1916 年 9 月 7 日修正本條（法律輯錄第 39 冊第 755 頁）。〕

3. 購買從事國外銀行業務公司之股份

第二、對於聯邦或各州註冊登記之主要從事國際或國外銀行業務、在美國屬地或外島直接經營銀行業務股份之投資，無論係直接或間接透過代理人、股份持有人、外國或該屬地之當地機構而持有者，不得超過其資本公積及累積盈餘 10%。

〔見美國法典第 12 編第 601 條。1916 年 9 月 7 日修正本條（法律輯錄第 39 冊第 755 頁）。〕

4.外國銀行所有權之取得

第三、得直接或間接持有依外國法、美國之屬地及外島之法律而成立之銀行股權或其他所有權憑證；且除經聯準會認定係屬該外國銀行之附帶業務者外，該銀行須未直接或間接在美國本土從事相關業務。且雖有第 23A 條之規定，仍得依聯準會所規定之方式及限額，辦理貸款及授信予該銀行。

〔見美國法典第 12 編第 601 條。1916 年 9 月 7 日增訂本條（法律輯錄第 80 冊第 241 頁）。〕

5. Right of National Banks to Invest in Foreign Banking Corporations until January 1, 1921

Until January 1, 1921, any national banking association, without regard to the amount of its capital and surplus, may file application with the Board of Governors of the Federal Reserve System for permission, upon such conditions and under such regulations as may be prescribed by said board, to invest an amount not exceeding in the aggregate 5 per centum of its paid-in capital and surplus in the stock of one or more corporations chartered or incorporated under the laws of the United States or of any State thereof and, regardless of its location, principally engaged in such phases of international or foreign financial operations as may be necessary to facilitate the export of goods, wares, or merchandise from the United States or any of its dependencies or insular possessions to any foreign country: Provided, however, That in no event shall the total investments authorized by this section by any one national bank exceed 10 per centum of its capital and surplus.

[12 USC 601. As added by act of Sept. 17, 1919 (41 Stat. 285). This paragraph, by its terms, is now obsolete.]

6. Application for Permission to Exercise Powers

Such application shall specify the name and capital of the banking association filing it, the powers applied for, and the place or places where the banking or financial operations proposed are to be carried on. The Board of Governors of the Federal Reserve System shall have power to approve or to reject such application in whole or in part if for any reason the granting of such application is deemed inexpedient, and shall also have power from time to time to increase or decrease the number of places where such banking operations may be carried on.

[12 USC 601. As amended by act of Sept. 7, 1916 (39 Stat. 755), which completely revised this section; and by act of Sept. 17, 1919 (41 Stat. 286).]

7. Examinations and Reports of Condition

Every national banking association operating foreign branches shall be required to furnish information concerning the conditions of such branches to the Comptroller of the Currency upon demand, and every member bank investing in the capital stock of banks or corporations described above shall be required to furnish information concerning the condition of such banks or corporations to the Board of Governors of the Federal Reserve System upon demand, and the Board of Governors of the Federal Reserve System may order special examinations of the said branches, banks, or corporations at such time or times as it may deem best.

[12 USC 602. As amended by act of Sept. 7, 1916 (39 Stat. 755), which completely revised this section; and by act of Sept. 17, 1919 (41 Stat. 286).]

5.聯邦註冊銀行截至 1921 年 1 月 1 日止投資國外金融公司之權利

截至 1921 年 1 月 1 日止，聯邦註冊銀行無論其資本及盈餘之數額，得依聯準會之規定，申請投資根據聯邦法或州法註冊設立之不論其所在地，且主要業務為從事國際或國外金融業務，及以促進美國、其屬地或外島貨物或商品出口之公司；其投資總額，以其已繳（收）足資本及累積盈餘 5%為限，且不得超過其資本及累積盈餘之 10%。

〔見美國法典第 12 編第 601 條。1916 年 9 月 17 日增訂本條（法律輯錄第 41 冊第 285 頁），本條文依其本身之規定，現已失效。〕

6.申請許可俾以行使權力

此項申請應填具銀行名稱、資本額、所申請之權力範圍及未來擬辦理相關銀行與金融業務之營業處所。聯準會如認其申請內容不妥時，得核駁其申請之全部或一部，並得隨時增減其營業處所之設置。

〔見美國法典第 12 編第 601 條。1916 年 9 月 7 日全面修正本條；復經 1966 年 9 月 17 日修正（法律輯錄第 41 冊第 286 頁）。〕

7.檢查及報表稽核

聯邦註冊銀行經營國外分行者，應依通貨監理局之要求，提供有關該分行財務狀況之資料；會員銀行投資上述銀行或公司之股本時，應依聯準會之要求，提供有關該銀行或公司財務狀況之資料，聯準會並得適時對各該分行或公司進行專案檢查。

〔見美國法典第 12 編第 602 條。1916 年 9 月 7 日全面修正本條；復經 1966 年 9 月 17 日修正（法律輯錄第 41 冊第 286 頁）。〕

8. Agreement to Restrict Operations

Before any national bank shall be permitted to purchase stock in any such corporation the said corporation shall enter into an agreement or undertaking with the Board of Governors of the Federal Reserve System to restrict its operations or conduct its business in such manner or under such limitations and restrictions as the said board may prescribe for the place or places wherein such business is to be conducted. If at any time the Board of Governors of the Federal Reserve System shall ascertain that the regulations prescribed by it are not being complied with, said board is hereby authorized and empowered to institute an investigation of the matter and to send for persons and papers, subpoena witnesses, and administer oaths in order to satisfy itself as to the actual nature of the transactions referred to. Should such investigation result in establishing the failure of the corporation in question, or of the national bank or banks which may be stockholders therein, to comply with the regulations laid down by the said Board of Governors of the Federal Reserve System, such national banks may be required to dispose of stock holdings in the said corporation upon reasonable notice.

[12 USC 603. Added by act of Sept. 7, 1916 (39 Stat. 755), which completely revised this section.]

9. Accounts of Foreign Branches

Every national banking association operating foreign branches shall conduct the accounts of each foreign branch independently of the accounts of other foreign branches established by it and of its home office, and shall at the end of each fiscal period transfer to its general ledger the profit or loss accrued at each branch as a separate item.

[12 USC 604a. As added by act of Aug. 15, 1962 (76 Stat. 388).]

Section 25A. Banking Corporations Authorized to Do Foreign Banking Business

1. Organization

Corporations to be organized for the purpose of engaging in international or foreign banking or other international or foreign financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership, or control of local institutions in foreign countries, or in such dependencies or insular possessions as provided by this section, and to act when required by the Secretary of the Treasury as fiscal agents of the United States, may be formed by any number of natural persons, not less in any case than five: *Provided*, That nothing in this section shall be construed to deny the right of the Secretary of the Treasury to use any corporation organized under this section as depositaries in Panama and the Panama Canal Zone, or in the Philippine Islands and other insular possessions and dependencies of the United States.

8.協議限制營業

聯邦註冊銀行於獲准購買上述公司股份前，各該公司應與聯準會達成協議或承諾，遵照聯準會對其營業所在地有關其辦理業務之方式或限制之規定；如聯準會確知其所頒布規則未被遵守，得進行調查、索取文件、傳訊證人並使其宣誓，俾了解該項交易之真實情形。如調查結果確定各該公司或為其股東之聯邦註冊銀行未遵守聯準會之規定，該聯邦註冊銀行於收受通知後，應出售所持有之各該公司股份。

〔見美國法典第 12 編第 603 條。1916 年 9 月 7 日增訂本條（法律輯錄第 39 冊第 755 頁）。〕

9. 國外分行之帳目

聯邦註冊銀行經營國外分行者，應將國外分行與其他國外分行及總行之帳目，分別獨立設帳，並於會計年度終了，將各分行之盈虧帳，作為個別項目轉入其他總帳。

〔見美國法典第 12 編第 604a 條。1962 年 8 月 15 日增訂本條（法律輯錄第 76 冊第 388 頁）。〕

第 25A 條　金融公司經營國外銀行業務之授權

1. 組織

公司成立之目的為從事國際或國外銀行、其他國際或國外金融業務，於美國屬地、外島直接或間接經由代理人，以持有或控制外國或本條所定屬地或外島當地機構之方式，經營銀行或其他金融業務，及由財政部長責成擔任聯邦政府之財務代理人之公司，得由自然人 5 人以上組成之。本條規定不得推定為否認財政部長具有指定按本條規定成立之公司，於巴拿馬及其運河區，或於菲律賓群島及美國其他外島或屬地，擔任公款保管受託人之權。

2. Purpose

The congress hereby declares that it is the purpose of this section to provide for the establishment of international banking and financial corporations operating under Federal supervision with powers sufficiently broad to enable them to compete effectively with similar foreign-owned institutions in the United States and abroad; to afford to the United States exporter and importer in particular, and to United States commerce, industry, and agriculture in general, at all times a means of financing international trade, especially United States exports; to foster the participation by regional and smaller banks throughout the United States in the provision of international banking and financing services to all segments of United States agriculture, commerce, and industry, and, in particular small business and farming concerns; to stimulate competition in the provision of international banking and financing services, throughout the United States; and, in conjunction with each of the preceding purposes, to facilitate and stimulate the export of United States goods, wares, merchandise, commodities, and services to achieve a sound United States international trade position. The Board of Governors of the Federal Reserve System shall issue rules and regulations under this section consistent with and in furtherance of the purposes described in the preceding sentence, and, in accordance therewith, shall review and revise any such rules and regulations at least once every five years, the first such period commencing with the effective date of rules and regulations issued pursuant to section 3(a) of the International Banking Act of 1978, in order to ensure that such purposes are being served in light of prevailing economic conditions and banking practices.

[12 USC 611. As added by act of Dec. 24, 1919 (41 Stat. 378); and amended by act of Feb. 27, 1921 (41 Stat. 1145) and Sept. 17, 1978 (92 Stat. 609). Presidential Proclamation No. 2695 of July 4, 1946 (60 Stat. 1352; 12 USC 1394 note) recognizes the independence of the Philippine Islands. Therefore, the words "in the Philippine Islands and" have been omitted from the U.S. Code.]

3. Articles of Association

Such persons shall enter into articles of association which shall specify in general terms the objects for which the association is formed and may contain any other provisions not inconsistent with law which the association may see fit to adopt for the regulation of its business and the conduct of its affairs.

[12 USC 612. As added by act of Dec. 24, 1919 (41 Stat. 378).]

4. Execution of Articles of Association; Contents of Organization Certificate

Such articles of association shall be signed by all of the persons intending to participate in the organization of the corporation and, thereafter, shall be forwarded to the Board of Governors of the Federal Reserve System and shall be filed and preserved in its office. The persons signing the said articles of association shall, under their hands, make an organization certificate which shall specifically state:

2. 目的

國會因而宣稱本條之目的在提供受聯邦監理之國際金融及財務機構有足夠之權力，使其得與美國或海外之外國機構有效競爭，並作為隨時提供美國進出口業者及聯邦商務、農工等國際貿易之融資工具；以鼓勵美國地區銀行或小型銀行參與對聯邦農業、商務及工業，特別是小型企業與農業，提供國際金融財務服務，以鼓勵於美國提供國際金融財務服務之競爭，並促進及刺激美國商品、貨物及服務之外銷，提升其國際貿易地位，聯準會得依上述目的制定法規，並應每 5 年修訂該法規一次，第一期始於 1978 年國際銀行法第 3(a)條所制定法規之生效日，以配合當時之經濟情勢與銀行實務，確實達成前述目的。

〔見美國法典第 12 編第 601 條。1919 年 12 月 24 日增訂本條（法律輯錄第 41 冊第 378 頁）；復經 1921 年 2 月 27 日（法律輯錄第 41 冊第 1145 頁）及 1978 年 9 月 17 日（法律輯錄第 92 冊第 609 頁）修正本條；1946 年 7 月 4 日總統第 2695 號宣告（法律輯錄第 60 冊第 1352 頁，美國法典第 12 編第 1394 條附註）承認菲律賓群島獨立，因而美國法典業將「於菲律賓群島」等字樣刪除。〕

3. 公司章程

公司應訂定公司章程，說明公司成立之目的，內容並得包括不違反法律，而為該公司認定適於管理及執行業務之其他條文。

〔見美國法典第 12 編第 612 條。1919 年 12 月 24 日增訂本條（法律輯錄第 41 冊第 378 頁）。〕

4. 公司章程之執行、組織證書之內容

公司章程應由欲加入該公司之人簽署，並送呈聯準會存查。簽署公司章程之人應親擬組織證書之內容，並應特別載明下列事項：

First. The name assumed by such corporation, which shall be subject to the approval of the Board of Governors of the Federal Reserve System.
Second. The place or places where its operations are to be carried on.
Third. The place in the United States where its home office is to be located.
Fourth. The amount of its capital stock and the number of shares into which the same shall be divided.
Fifth. The names and places of business or residence of the persons executing the certificate and the number of shares to which each has subscribed.
Sixth. The fact that the certificate is made to enable the persons subscribing the same, and all other persons, firms, companies, and corporations, who or which may thereafter subscribe to or purchase shares of the capital stock of such corporation, to avail themselves of the advantages of this section.

[12 USC 613. As added by act of Dec. 24, 1919 (41 Stat. 379).]

5. Filing Organization Certificate; Issuance of Permit

The persons signing the organization certificate shall duly acknowledge the execution thereof before a judge of some court of record or notary public, who shall certify thereto under the seal of such court or notary, and thereafter the certificate shall be forwarded to the Board of Governors of the Federal Reserve System to be filed and preserved in its office. Upon duly making and filing articles of association and an organization certificate, and after the Board of Governors of the Federal Reserve System has approved the same and issued a permit to begin business, the association shall become and be a body corporate, and as such and in the name designated therein shall have power to adopt and use a corporate seal, which may be changed at the pleasure of its board of directors; to have succession for a period of twenty years unless sooner dissolved by the act of the shareholders owning two-thirds of the stock or by an Act of Congress or unless its franchises become forfeited by some violation of law; to make contracts; to sue and be sued, complain, and defend in any court of law or equity; to elect or appoint directors; and, by its board of directors, to appoint such officers and employees as may be deemed proper, define their authority and duties, require bonds of them, and fix the penalty thereof, dismiss such officers or employees, or any thereof, at pleasure and appoint others to fill their places; to prescribe, by its board of directors, by-laws not inconsistent with law or with the regulations of the Board of Governors of the Federal Reserve System regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers and employees appointed, its property transferred, and the privileges granted to it by law exercised and enjoyed.

[12 USC 614. As added by act of Dec. 24, 1919 (41 Stat. 379) and Sept. 17, 1978 (92 Stat. 609).]

第一、經聯準會核准之公司名稱。
第二、公司營業處所。
第三、美國總公司之營業處所。
第四、資本額及股份總數。
第五、營業名稱、場所、執行該組織證書之人之住居所及其已認購之股數。
第六、本組織證書係作為確保將來其他認股人之利益。

〔見美國法典第 12 編第 613 條。1919 年 12 月 24 日增訂本條（法律輯錄第 41 冊第 379 頁）。〕

5. 組織證書之備案、許可證之核發

於組織證書上簽署之人應於法官或公證人前承認該簽署之效力，並由法官或公證人簽名後，該證書應即送聯準會備案歸檔。該公司於公司章程及組織證書印製完成及備案，且經聯準會核發營業許可證後，成為公司法人並得以此資格及名稱，採用經其董事會決議之公司印信，存續期間 20 年；但經持有股份 2/3 股東決議、國會立法或因違法而被撤銷執照致提前解散者，不在此限。該公司得簽訂契約；得於法院或衡平法庭起訴、應訴、申訴及抗辯；得選任董事；得由董事會選任適當之職員及雇員，限定其權利義務，要求其簽訂契約，決定罰則，解除職員或雇員之職務，或選任他人繼任之；亦得由董事會決議通過符合法律及聯準會所發布之有關移轉股份、財產、選任或解任董事、職員或雇員及其他法律所賦予權利之辦事細則。

〔見美國法典第 12 編第 614 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 379 頁）及 1978 年 9 月 17 日增訂本條（法律輯錄第 92 冊第 609 頁）。〕

6. Powers; Regulations of Board of Governors of the Federal Reserve System

Each corporation so organized shall have power, under such rules and regulations as the Board of Governors of the Federal Reserve System may prescribe:

[12 USC 615. As added by act of Dec. 24, 1919 (41 Stat. 379) and amended by act of Sept. 17, 1978 (92 Stat. 609).]

Banking Powers

(a) To purchase, sell, discount, and negotiate, with or without its indorsement or guaranty, notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness; to purchase and sell, with or without its indorsement or guaranty, securities, including the obligations of the United States or of any State thereof but not including shares of stock in any corporation except as herein provided; to accept bills or drafts drawn upon it subject to such limitations and restrictions as the Board of Governors of the Federal Reserve System may impose; to issue letters of credit; to purchase and sell coin, bullion, and exchange; to borrow and to lend money; to issue debentures, bonds, and promissory notes under such general conditions as to security and such limitations as the Board of Governors of the Federal Reserve System may prescribe; to receive deposits outside of the United States and to receive only such deposits within the United States as may be incidental to or for the purpose of carrying out transactions in foreign countries or dependencies or insular possessions of the United States; and generally to exercise such powers as are incidental to the powers conferred by this Act or as may be usual, in the determination of the Board of Governors of the Federal Reserve System, in connection with the transaction of the business of banking or other financial operations in the countries, colonies, dependencies, or possessions in which it shall transact business and not inconsistent with the powers specifically granted herein. Nothing contained in this section shall be construed to prohibit the Board of Governors of the Federal Reserve System, under its power to prescribe rules and regulations, from limiting the aggregate amount of liabilities of any or all classes incurred by the corporation and outstanding at any one time. Whenever a corporation organized under this section receives deposits in the United States authorized by this section it shall carry reserves in such amounts as the Board of Governors of the Federal Reserve System may prescribe for member banks of the Federal Reserve System.

[12 USC 615(a). As added by act of Dec. 24, 1919 (41 Stat. 379); and amended by act of Sept. 17, 1978 (92 Stat. 609).]

Branches

(b) To establish and maintain for the transaction of its business branches or agencies in foreign countries, their dependencies or colonies, and in the dependencies or insular possessions of the United States, at such places as may be approved by the Board of Governors of the Federal Reserve System and under such rules and regulations as it may prescribe, including countries or dependencies not specified in the original organization certificate.

[12 USC 615(b). As added by act of Dec. 24, 1919 (41 Stat. 379).]

6. 權力、聯準會規章

依規定組成之公司，得依聯準會所發布之法規，享有下列權利：

辦理銀行業務

(a)買賣、貼現及轉讓包括有無經背書或保證之本票、匯款單、支票及承兌匯票，包含銀行承兌匯票、電匯及其他債務憑證；買賣無論是否經背書或保證之聯邦政府或各州債務之證券；但本條所定以外之公司股票不在此限。對其為付款人之匯票，依聯準會所發布規則予以承兌；開發信用狀；買賣硬幣、金塊及外匯；借貸款；依一般擔保條件及聯準會所定限制，發行債券及本票；於美國境外收受存款，此應僅限於與在外國或美國之屬地或屬島所發生之與交易目的有關之存款；執行附屬於本法所賦予之權力，或聯準會決定有關各該銀行營業之國家、美國之屬地或屬島境內經營銀行或其他金融業務，而未與本法所賦予權力相違背者。本規定不應解釋為禁止聯準會得依其制定法規之權力，限制各該公司發生各項負債之總額及任一時間之餘額。依本規定組成之公司，於美國境內所收受之存款，應按聯準會對聯邦準備制度會員銀行所定之數額提存準備金。

〔見美國法典第 12 編第 615 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 379 頁）增訂本條；並於 1978 年 9 月 17 日修訂（法律輯錄第 92 冊第 609 頁）。〕

分行

(b)其地點須於聯準會所核定之外國及其附屬國與殖民地、美國之附屬國或屬島及原組織證書所未列之國家或附屬國，依聯準會所發布之法規，設立及繼續維持其分行或代理處之業務。

〔見美國法典第 12 編第 615 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 379 頁）增訂本條。〕

Ownership of Stock in Other Corporations

(c) With the consent of the Board of Governors of the Federal Reserve System to purchase and hold stock or other certificates of ownership in any other corporation organized under the provisions of this section, or under the laws of any foreign country or a colony or dependency thereof, or under the laws of any State, dependency, or insular possession of the United States but not engaged in the general business of buying or selling goods, wares, merchandise or commodities in the United States, and not transacting any business in the United States except such as in the judgment of the Board of Governors of the Federal Reserve System may be incidental to its international or foreign business: *Provided, however,* That, except with the approval of the Board of Governors of the Federal Reserve System, no corporation organized hereunder shall invest in any one corporation an amount in excess of 10 per centum of its own capital and surplus, except in a corporation engaged in the business of banking, when 15 per centum of its capital and surplus may be so invested: Provided further, That no corporation organized hereunder shall purchase, own, or hold stock or certificates of ownership in any other corporation organized hereunder or under the laws of any State which is in substantial competition therewith, or which holds stock or certificates of ownership in corporations which are in substantial competition with the purchasing corporation.

[12 USC 615(c). As added by act of Dec. 24, 1919 (41 Stat. 380).]

7. Purchase of Stock to Prevent Loss on Debt Previously Contracted

Nothing contained herein shall prevent corporations organized hereunder from purchasing and holding stock in any corporation where such purchase shall be necessary to prevent a loss upon a debt previously contracted in good faith; and stock so purchased or acquired in corporations organized under this section shall within six months from such purchase be sold or disposed of at public or private sale unless the time to so dispose of same is extended by the Board of Governors of the Federal Reserve System.

[12 USC 615(c). As added by act of Dec. 24, 1919 (41 Stat. 380).]

8. Restrictions on Business in United States

No corporation organized under this section shall carry on any part of its business in the United States except such as, in the judgment of the Board of Governors of the Federal Reserve System, shall be incidental to its international or foreign business: *And provided further*, That except such as is incidental and preliminary to its organization no such corporation shall exercise any of the powers conferred by this section until it has been duly authorized by the Board of Governors of the Federal Reserve System to commence business as a corporation organized under the provisions of this section.

[12 USC 616. As added by act of Dec. 24, 1919 (41 Stat. 381).]

持有其他公司之股份

(c)經聯準會之同意，購買及持有依本規定、他國或其附屬國、殖民地之法律，或依美國之各州或附屬國及屬島之法律而組成；而非於美國境內從事買賣貨物、器具及商品之公司，經聯準會認係附屬於國際或國外業務者，不在此限。但非經聯準會之核准，對其他公司之投資，不得超過其資本及累積盈餘10%；但對經營銀行業務公司之投資，得達資本及累積盈餘15%。依本規定組成之公司，不得購買或持有其他依本規定組成之公司，或依其他各州法律而組成而與其具有實質競爭關係之公司之股份或其他所有權憑證。

〔見美國法典第 12 編第 615 條。1919 年 12 月 24 日增訂本條（法律輯錄第 41 冊第 380 頁）。〕

7.購入股票以避免先前貸款之損失

本規定未禁止依本規定組成之公司，因防止先前善意簽訂之貸款契約所致損失之必要，而購買及持有其他公司之股份。惟依本規定組成之公司因此購買及持有之他公司股份，除經聯準會准予延長處分時間外，應於購買後6個月內，以拍賣或非公開方式出售或處分之。

〔見美國法典第 12 編第 615 條。1919 年 12 月 24 日增訂本條（法律輯錄第 41 冊第 380 頁）。〕

8. 於美國境內經營業務之限制

依本條規定組成之公司，不得於美國境內經營業務；但經聯準會認該業務係附屬於該公司之國際或國外業務者，不在此限。該公司於聯準會正式授權成為依本條規定組成之公司開始營業前，不得執行本條所賦予之權力；但為籌設組織之必要行為者，不在此限。

〔見美國法典第 12 編第 616 條。1919 年 12 月 24 日增訂本條（法律輯錄第 41 冊第 381 頁）。〕

9. Corporation Trading in Commodities or Attempting to Control Prices

No corporation organized under this section shall engage in commerce or trade in commodities except as specifically provided in this section, nor shall it either directly or indirectly control or fix or attempt to control or fix the price of an such commodities. The charter of any corporation violating this provision shall be subject to forfeiture in the manner hereinafter provided in this section. It shall be unlawful for any director, officer, agent, or employee of any such corporation to use or to conspire to use the credit; the funds, or the power of the corporation to fix or control the price of any such commodities, and any such person violating this provision shall be liable to a fine of not less than $1,000 and not exceeding $5,000 or imprisonment not less than one year and not exceeding five years, or both, in the discretion of the court.

[12 USC 617. As added by act of Dec. 24, 1919 (41 Stat. 81).]

10. Capital Stock

No corporation shall be organized under the provisions of this section with a capital stock of less than $2,000,000, one-quarter of which must be paid in before the corporation may be authorized to begin business, and the remainder of the capital stock of such corporation shall be paid in installments of at least 10 per centum on the whole amount to which the corporation shall be limited as frequently as one installment at the end of each succeeding two months from the time of the commencement of its business operations until the whole of the capital stock shall be paid in: *Provided, however,* That whenever $2,000,000 of the capital stock of any corporation is paid in the remainder of the corporation's capital stock or any unpaid part of such remainder may, with the consent of the Board of Governors of the Federal Reserve System and subject to such regulations and conditions as it may prescribe, be paid in upon call from the board of directors; such unpaid subscriptions, however, to be included in the maximum of 10 per centum of the national bank's capital and surplus which a national bank is permitted under the provisions of this Act to hold in stock of corporations engaged in business of the kind described in this section and in section 25 of the Federal Reserve Act as amended. The capital stock of any such corporation may be increased at any time, with the approval of the Board of Governors of the Federal Reserve System, by a vote of two-thirds of its shareholders or by unanimous consent in writing of the shareholders without a meeting and without a formal vote, but any such increase of capital shall be fully paid in within ninety days after such approval; and may be reduced in like manner, provided that in no event shall it be less than $2,000,000. No corporation, except as herein provided, shall during the time it shall continue its operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. Any national bank may invest in the stock of any corporation organized under this section. The aggregate amount of stock held by any national bank in all corporations engaged in business of the kind described in this section or section 25 shall not exceed an amount equal to 10 percent of the capital and surplus of such bank unless the Board determines that the investment of an additional amount by the bank would not be unsafe or unsound and, in any case, shall not exceed an amount equal to 20 percent of the capital and surplus of such bank.

9. 從事商品交易或試圖控制價格

依本條規定組成之公司，不得從事本條特別規定以外之商品貿易或交易，且不得直接或間接企圖控制或決定任一商品之價格；公司章程如有違反此項規定者，應依本條以下規定處罰之。該公司之董事、職員、代理人或受僱人如有使用或意圖使用該公司之信用、資金及權力，以決定或控制商品之價格者，均屬違法。以上人員違反本規定者，處 1 年以上 5 年以下有期徒刑，科或併科 1000 以上、5000 元以下罰金。

〔見美國法典第 12 編第 617 條。1919 年 12 月 24 日增訂本條（法律輯錄第 41 冊第 81 頁）。〕

10.資本

依本條規定組成公司之資本不得低於 200 萬美元，並應於公司開始營業前應收足股款 1/4。其餘資本應以總額 10%為最低限度，自開始營業時起，應於每 2 個月之末日分期繳付至全部繳足為止。如公司已收足 200 萬美元資本時，得由董事會經獲聯準會之同意，依其規定催繳公司之其餘資本或剩餘資本之未繳部分；該未繳之認股款應計入聯邦註冊銀行依本法規定所許可得持有從事本條及第 25 條所定業務公司之股份數，惟所占比例應於該公司資本及累積盈餘 10%限度內。此類公司經營由聯準會核准、2/3 股東同意，或雖未召集股東會而無正式投標，應經全體股東書面同意者，得隨時增減資；但增資應於核准後 90 日內繳足，減資後之資本則不得低於 200 萬美元。除另有規定外，公司不得以股息或其他方式購買或收回股份。聯邦註冊銀行得投資依本規定及依第 25 條規定所組成公司之股份，但持有之股份總數不得超過各認股銀行資本及累積盈餘合計之 10%；除經聯準會認該超額投資部分，非屬不安全或不適當者，不在此限，惟仍不得超過各認股銀行資本及累積盈餘合計之 20%。

[12 USC 618. As added by act of Dec. 24, 1919 (41 Stat. 381); and amended by acts of June 14, 1921 (42 Stat. 28) and Sept. 30, 1996 (110 Stat. 3009-426).]

11. Citizenship of Stockholders

Except as otherwise provided in this section, a majority of the shares of the capital stock of any such corporation shall at all times be held and owned by citizens of the United States, by corporations the controlling interest in which is owned by citizens of the United States, chartered under the laws of the United States or of a State of the United States, or by firms or companies, the controlling interest in which is owned by citizens of the United States. Notwithstanding any other provisions of this section, one or more foreign banks, institutions organized under the laws of foreign countries which own or control foreign banks, or banks organized under the laws of the United States, the States of the United States, or the District of Columbia, the controlling interests in which are owned by any such foreign banks or institutions, may, with the prior approval of the Board of Governors of the Federal Reserve System and upon such terms and conditions and subject to such rules and regulations as the Board of Governors of the Federal Reserve System may prescribe, own and hold 50 per centum or more of the shares of the capital stock of any corporation organized under this section, and any such corporation shall be subject to the same provisions of law as any other corporation organized under this section, and the terms "controls" and "controlling interest" shall be construed consistently with the definition of "control" in section 2 of the Bank Holding Company Act of 1956. For the purposes of the preceding sentence of this paragraph the term "foreign bank" shall have the meaning assigned to it in the International Banking Act of 1978. Any company, other than a bank as defined in section 2 of the Bank Holding Company Act of 1956, that after March 5, 1987, directly or indirectly acquires control of a corporation organized or operating under the provisions of this section or section 25 shall be subject to the provisions of the Bank Holding Company Act of 1956 in the same manner and to the same extent that bank holding companies are subject thereto, except that such company shall not by reason of this paragraph be deemed a bank holding company for the purpose of section 3 of the Bank Holding Company Act of 1956.

[12 USC 619. As added by act of Dec. 24, 1919 (41 Stat. 378) and amended by acts of Aug. 23, 1935 (49 Stat. 717); Sept. 17, 1978 (92 Stat. 609); and Aug. 10, 1987 (101 Stat. 566).]

12. Members of Board of Governors of the Federal Reserve System as Directors, Officers or Stockholders

No member of the Board of Governors of the Federal Reserve System shall be an officer or director of any corporation organized under the provisions of this section, or of any corporation engaged in similar business organized under the laws of any State, nor hold stock in any such corporation, and before entering upon his duties as a member of the Board of Governors of the Federal Reserve System he shall certify under oath to the Secretary of the Treasury that he has complied with this requirement.

[12 USC 620. As added by act of Dec. 24, 1919 (41 Stat. 382).]

〔見美國法典第 12 編第 618 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 381 頁）增訂本條；並經 1921 年 6 月 14 日（法律輯錄第 42 冊第 28 頁）及 1996 年 9 月 30 日修訂（法律輯錄第 110 冊第 3009-3426 頁）。〕

11.股東之公民資格

除本條另有規定外，公司之過半數資本應由美國公民、依聯邦或各州法律許可由美國公司享有控制權之公司或行號所持有或控制之。縱有其他特別規定，其他外國銀行或依外國法律組成之外國銀行機構、或該外國銀行或機構所享有之控制利益係依聯邦及各州法律或哥倫比亞特區法律而組成者，經聯準會之事前核准其依其所定法規，得持有依本規定組成之公司股份 50%以上；並應與依本規定組成之其他公司受相同法規規範。所謂「控制」及「控制利益」應與 1956 年銀行控股公司法第 2 條之定義為一致性解釋。前述「外國銀行」應與 1978 年國際銀行法之定義相同。1956 年銀行控股公司法第 2 條所定義銀行以外之公司，自 1987 年 3 月 5 日後，直接或間接取得依本條或第 25 條規定組成之公司之控制權者，應與銀行控股公司法同受 1956 年銀行控股公司法受同等規範；但該公司因本條規定不視為 1956 年銀行控股公司法第 3 條之銀行控股公司者，不在此限。

〔見美國法典第 12 編第 619 條。1978 年 9 月 17 日（法律輯錄第 92 冊第 609 頁）增訂本條；並經 1978 年 8 月 10 日（法律輯錄第 101 冊第 566 頁）修訂。〕

12.為聯準會會員之董事、職員或股東

聯準會之理事，不得擔任依本條規定組成之公司、或依各州州法組織經營類似業務公司之董事或職員，亦不得持有此類公司之股份，且應於其就任聯準會之理事職務前，向財政部長宣誓恪遵本規定。

〔見美國法典第 12 編第 620 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 382 頁）增訂本條。〕

13. Shareholders' Liability; Corporation Not to Become Member of Federal Reserve Bank

Shareholders in any corporation organized under the provision of this section shall be liable for the amount of their unpaid stock subscriptions. No such corporation shall become a member of any Federal reserve bank.

[12 USC 621. As added by act of Dec. 24, 1919 (41 Stat. 382).]

14. Forfeiture of Charter for Violation of Law

Should any corporation organized hereunder violate or fail to comply with any of the provisions of this section, all of its rights, privileges, and franchises derived herefrom may thereby be forfeited. Before any such corporation shall be declared dissolved, or its rights, privileges, and franchises forfeited, any noncompliance with, or violation of such laws shall, however, be determined and adjudged by a court of the United States of competent jurisdiction, in a suit brought for that purpose in the district or territory in which the home office of such corporation is located, which suit shall be brought by the United States at the insistence of the Board of Governors for the Federal Reserve System or the Attorney General. Upon adjudication of such noncompliance or violation, each director and officer who participated in, or assented to, the illegal act or acts, shall be liable in his personal or individual capacity for all damages which the said corporation shall have sustained in consequence thereof. No dissolution shall take away or impair any remedy against the corporation, its stockholders, or officers for any liability or penalty previously incurred.

[12 USC 622. As added by act of Dec. 24, 1919 (41 Stat. 382).]

15. Voluntary Liquidation

Any such corporation may go into voluntary liquidation and be closed by a vote of its shareholders owning two-thirds of its stock.

[12 USC 623. As added by act of Dec. 24, 1919 (41 Stat. 382.)]

16. Appointment of Receiver or Conservator

A.In general. The Board may appoint a conservator or receiver for a corporation organized under the provisions of this section to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator or receiver for a national bank, and the conservator or receiver for such corporation shall exercise the same powers, functions, and duties, subject to the same limitations, as a conservator or receiver for a national bank.

13.股東責任、公司不得為聯邦準備銀行之會員

依本條規定組成公司之股東，應對其已認購而未繳足之股款負責。依本條規定組成之公司，不得成為聯邦準備銀行之會員。

〔見美國法典第 12 編第 621 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 382 頁）增訂本條。〕

14.因違法而撤銷註冊

依本條規定組成之公司，因違反或未遵守本規定者，得撤銷其所有因本規定衍生之權益及特許權，並宣告予以解散。於其權益及特許權撤銷前，應由聯準會或檢察總長協助聯邦政府向該公司之總公司所在地之聯邦管轄法院起訴，由法院判決有無違反情事。經法院判決有違反情事者，任一參與或同意此違法行為之董事及職員，應各別對該公司因此所生之損害，負賠償責任。各公司及其股東或職員對已發生之負債或處罰，不因公司解散而解除或減輕之。

〔見美國法典第 12 編第 622 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 382 頁）增訂本條。〕

15.自願清算

此類公司得經持股總數合計超過 2/3 以上之股東會決議，同意進行公司之清算及停止營業。

〔見美國法典第 12 編第 623 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 382 頁）增訂本條。〕

16.選任破產管理人

A.原則上，依本規定所組成之公司不能清償債務時，聯準會得選任破產管理人接管之，破產管理人之權力、功能，及相關權力行使之限制等，均與通貨監理局為聯邦註冊銀行選任之清算人受同等規範。

B.Equivalent authority. The Board shall have the same authority with respect to any conservator or receiver appointed for a corporation organized under the provisions of this section under this paragraph and any such corporation as the Comptroller of the Currency has with respect to a conservator or receiver of a national bank and the national bank for which a conservator or receiver has been appointed.

C.Title 11 petitions. The Board may direct the conservator or receiver of a corporation organized under the provisions of this section to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the corporation in lieu of otherwise applicable Federal or State insolvency law.

[12 USC 624. As added by act of Dec. 24, 1919 (41 Stat. 382) and amended by act of Dec. 12, 2000 (114 Stat. 2763A-396).]

17. Stockholders' Meetings; Records; Reports; Examinations

Every corporation organized under the provisions of this section shall hold a meeting of its stockholders annually upon a date fixed in its bylaws, such meeting to be held at its home office in the United States. Every such corporation shall keep at its home office books containing the names of all stockholders thereof, and the names and addresses of the members of its board of directors, together with copies of all reports made by it to the Board of Governors of the Federal Reserve System. Every such corporation shall make reports to the Board of Governors of the Federal Reserve System at such times and in such form as it may require; and shall be subject to examination once a year and at such other times as may be deemed necessary by the Board of Governors of the Federal Reserve System by examiners appointed by the Board of Governors of the Federal Reserve System, the cost of such examinations, including the compensation of the examiners, to be fixed by the Board of Governors of the Federal Reserve System and to be paid by the corporation examined.

[12 USC 625. As added by act of Dec. 24, 1919 (41 Stat. 382).]

18. Dividends and Surplus Fund

The directors of any corporation organized under the provisions of this section may, semiannually, declare a dividend of so much of the net profits of the corporation as they shall judge expedient; but each corporation shall, before the declaration of a dividend, carry one-tenth of its net profits of the preceding half year to its surplus fund until the same shall amount to 20 per centum of its capital stock.

[12 USC 626. As added by act of Dec. 24, 1919 (41 Stat. 383).]

B. 聯準會對依本規定組成之公司，擁有如同通貨監理局為聯邦註冊銀行選任清算人之相同權限。

C. 聯準會得依美國法典第 11 編聯邦破產法之規定，為依本規定組成之公司指定破產管理人，以取代其他適用之聯邦或各州州法關於破產之規定。

〔見美國法典第 12 編第 624 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 382 頁）增訂本條；並經 2000 年 12 月 12 日（法律輯錄第 114 冊第 2763A-396 頁）修訂。〕

17.股東會、紀錄、報告、檢查

依本規定組成之公司每年應依其辦事細則所訂之日期，於美國境內之主營業處所召開股東會。並應於其主營業所備置包含股東名單、董事名冊與其住居所，以及其呈送聯準會之報告副本；並應依聯準會所定時間及方式向聯準會報告。於每年度及其他聯準會認為必要時，應由聯準會派員檢查之，檢查費用包含檢查人員之報酬，均應由聯準會決定並由受檢公司支付之。

〔見美國法典第 12 編第 625 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 382 頁）增訂本條。〕

18.股息及公積金

公司之董事會得於每半年宣布自該公司之淨利中，分派其認為適當之股息。但於公司分派前，應自上半年淨利中提撥 10%撥入公積金，至該公積金達資本額之 20%止。

〔見美國法典第 12 編第 626 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 383 頁）增訂本條。〕

19. Taxation

Any corporation organized under the provisions of this section shall be subject to tax by the State within which its home office is located in the same manner and to the same extent as other corporations organized under the laws of that State which are transacting a similar character of business. The shares of stock in such corporation shall also be subject to tax as the personal property of the owners or holders thereof in the same manner and to the same extent as the shares of stock in similar State corporations.

[12 USC 627. As added by act of Dec. 24, 1919 (41 Stat. 383).]

20. Extension of Corporate Existence

Any corporation organized under the provisions of this section may at any time within the two years next previous to the date of the expiration of its corporate existence, by a vote of the shareholders owning two-thirds of its stock, apply to the Board of Governors of the Federal Reserve System for its approval to extend the period of its corporate existence for a term of not more than twenty years, and upon certified approval of the Board of Governors of the Federal Reserve System such corporation shall have its corporate existence for such extended period unless sooner dissolved by the act of the shareholders owning two-thirds of its stock, or by an Act of Congress or unless its franchise becomes forfeited by some violation of law.

[12 USC 628. As added by act of Dec. 24, 1919 (41 Stat. 383).]

21. Conversion of State Corporation into Federal Corporation

Any bank or banking institution, principally engaged in foreign business, incorporated by special law of any State or of the United States or organized under the general laws of any State or of the United States and having an unimpaired capital sufficient to entitle it to become a corporation under the provisions of this section may, by the vote of the shareholders owning not less than two-thirds of the capital stock of such bank or banking association, with the approval of the Board of Governors of the Federal Reserve System, be converted into a Federal corporation of the kind authorized by this section with any name approved by the Board of Governors of the Federal Reserve System: *Provided, however*, That said conversion shall not be in contravention of the State law. In such case the articles of association and organization certificate may be executed by a majority of the directors of the bank or banking institution, and the certificate shall declare that the owners of at least two thirds of the capital stock have authorized the directors to make such certificate and to change or convert the bank or banking institution into a Federal corporation. A majority of the directors, after executing the articles of association and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a Federal corporation. The shares of any such corporation may continue to be for the same amount each as they were before the conversion, and the directors may continue to be directors of the corporation until others are elected or appointed in accordance with the provisions of this section. When the Board of

19.稅務

依本規定所組成之公司應向其主營業所所在地之州，與依該州法律所組成之其他從事類似業務之公司，依相同方式及範圍納稅。持有該公司股票之個人，亦應與持有相類公司之股份持有人之個人財產，適用相同稅制。

〔見美國法典第 12 編第 627 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 383 頁）增訂本條。〕

20.延展公司存續期間

依本規定所組成之公司得於公司存續期間屆滿前 2 年內，經持有股份總數 2/3 以上股東之同意，向聯準會申請核准展延公司之存續期間。但延展期限最長不得超過 20 年。該公司經聯準會核准後，除經持有股份總數 2/3 以上股東之決議、國會立法予以解散或因違法而撤銷註冊者外，得於延展期間內以公司組織繼續存在。

〔見美國法典第 12 編第 628 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 383 頁）增訂本條。〕

21.州註冊公司變更為聯邦註冊公司

依聯邦或各州之特別法或普通法所組成，而足以成為依本規定組成公司之銀行或機構，主要從事國外業務，且資本額未受損者，得經其持有股份總數合計超過 2/3 股東投票同意，及聯準會之核准後，變更為本規定所授權種類之聯邦註冊公司，並使用聯準會所核准名稱，惟此項變更不得牴觸該州法律。於此情形，公司章程及組織證書得由該銀行或機構過半數董事執行之。該證書並應聲明已經持有股份總數合計超過 2/3 股東之同意，授權董事辦理該項證書及將該銀行或機構，變更為聯邦註冊公司。過半數董事於完成公司章程及組織證書後，有權行使其他權力及進行變更所需之程序。公司之股份得維持變更前相同數額，董事於依本規定改選前，亦得續任其職務。於聯準會核發執照後，該公司及全體股東、職員

Governors of the Federal Reserve System has given to such corporation a certificate that the provisions of this section have been complied with, such corporation and all its stockholders, officers, and employees, shall have the same powers and privileges, and shall be subject to the same duties, liabilities, and regulations, in all respects, as shall have been prescribed by this section for corporations originally organized hereunder.

[12 USC 629. As added by act of Dec. 24, 1919 (41 Stat. 383).]

22. Criminal Offenses of Directors, Officers, and Employees

Every officer, director, clerk, employee, or agent of any corporation organized under this section who embezzles, abstracts, or willfully misapplies any of the moneys, funds, credits, securities, evidences of indebtedness or assets of any character of such corporation; or who, without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, debenture, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of such corporation with intent, in either case, to injure or defraud such corporation or any other company, body politic or corporate, or any individual person, or to deceive any officer of such corporation, the Board of Governors of the Federal Reserve System, or any agent or examiner appointed to examine the affairs of any such corporation; and every receiver of any such corporation and every clerk or employee of such receiver who shall embezzle, abstract, or willfully misapply or wrongfully convert to his own use any moneys, funds, credits, or assets of any character which may come into his possession or under his control in the execution of his trust or the performance of the duties of his employment; and every such receiver or clerk or employee of such receiver who shall, with intent to injure or defraud any person, body politic or corporate, or to deceive or mislead the Board of Governors of the Federal Reserve System, or any agent or examiner appointed to examine the affairs of such receiver, shall make any false entry in any book, report, or record of any matter connected with the duties of such receiver; and every person who with like intent aids or abets any officer, director, clerk, employee, or agent of any corporation organized under this section, or receiver or clerk or employee of such receiver as aforesaid in any violation of this section, shall upon conviction thereof be imprisoned for not less than two years nor more than ten years, and may also be fined not more than $5,000, in the discretion of the court.

[12 USC 630. As added by act of Dec. 24, 1919 (41 Stat. 384).]

23. Representation that United States Is Liable for Obligations

Whoever being connected in any capacity with any corporation organized under this section represents in any way that the United States is liable for the payment of any bond or other obligation, or the interest thereon, issued or incurred by any corporation organized hereunder, or that the United States incurs any liability in respect of any act or omission of the corporation, shall be punished by a fine of not more than $10,000 and by imprisonment for not more than five years.

與受僱人，均與原依本規定組成之公司之成員享有相同之權利義務，並應遵守相同之法規。

〔見美國法典第 12 編第 629 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 383 頁）增訂本條。〕

22.董事、職員及受僱人之刑事處罰

依本規定組成之公司，其董事、職員及受僱人或代理人，有侵占、竊取或故意濫用公司之款項、信用、證券或債務憑證等相費性質之資產者；或未經董事授權而簽發存款憑證、開立匯票、承兌、轉讓公司之本票、匯票、抵押權或債務，經法院判決者；或偽造簿冊、報告或說明書，而致其他國家、公司或個人受損者；詐欺其他公司之職員、聯準會或奉派檢查該公司業務之檢查人或代理人者；破產管理人、職員或受僱人於執行職務時，有侵占、竊取、故意濫用或錯誤移轉，而將公司款項、信用或其他資產佔為己有或控制者；破產管理人、職員或受僱人，故意損害他人及其他國家或公司，詐欺或誤導聯準會、奉派檢查該破產管理人業務之代理人或檢查人員，而虛偽登載於與破產管理人責任有關之簿冊、報告或紀錄內；意圖幫助或教唆依本規定組成之公司之董事、職員或受僱人、代理人或上述破產管理人或其職員或受僱人違反本規定者，均處 2 年以上 10 年以下有期徒刑，得併科 5000 元以下罰金。

〔見美國法典第 12 編第 630 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 384 頁）增訂本條。〕

23.董事、職員及受僱人之刑事處罰

與依本規定組成之公司有關之人，以任何方式使聯邦政府對依本規定組成之公司所發行之債券或其他債務產生責任者，或使聯邦政府因該公司之行為或過失而發生債務者，處 5 年以下有期徒刑，得併科 1 萬元以下罰金。

[12 USC 631. As added by act of Dec. 24, 1919 (41 Stat. 384).]

Section 25B. Jurisdiction of Suits

1. Suits Arising Out of Foreign Banking Business

Notwithstanding any other provision of law all suits of a civil nature at common law or in equity to which any corporation organized under the laws of the United States shall be a party, arising out of transactions involving international or foreign banking, or banking in a dependency or insular possession of the United States, or out of other international or foreign financial operations, either directly or through the agency, ownership, or control of branches or local institutions in dependencies or insular possessions of the United States or in foreign countries, shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such suits; and any defendant in any such suit may, at any time before the trial thereof, remove such suits from a State court into the district court of the United States for the proper district by following the procedure for the removal of causes otherwise provided by law. Such removal shall not cause undue delay in the trial of such case and a case so removed shall have a place on the calendar of the United States court to which it is removed relative to that which it held on the State court from which it was removed.

[12 USC 632. As added by act of June 16, 1933 (48 Stat. 184).]

2. Suits Involving Federal Reserve Banks

Notwithstanding any other provision of law, all suits of a civil nature at common law or in equity to which any Federal Reserve bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such suits; and any Federal Reserve bank which is a defendant in any such suit may, at any time before the trial thereof, remove such suit from a State court into the district court of the United States for the proper district by following the procedure for the removal of causes otherwise provided by law. No attachment or execution shall be issued against any Federal Reserve bank or its property before final judgment in any suit, action, or proceeding in any State, county, municipal, or United States court.

[12 USC 632. As added by act of June 16, 1933 (48 Stat. 184).]

〔見美國法典第 12 編第 631 條。1919 年 12 月 24 日（法律輯錄第 41 冊第 384 頁）增訂本條。〕

第 25B 條訴訟之管轄

1. 因國外銀行業務引起之訴訟

縱法律有其他規定，凡依美國法律組成之公司，因經營國際或國外銀行業務，於美國之附屬國、屬島進行之交易業務，或直接經由該附屬國、屬島或在外國之代理人、其所屬分行或當地機構從事之國際或國外金融交易，而為普通法或衡平法民事訴訟之一造者，應視為依聯邦法律而提起之訴訟，聯邦之地區法院對該訴訟有初審管轄權。該訴訟之被告於開庭前，得依法律所定移送原因及程序，聲請自州法院移送至該區之聯邦管轄法院審理。但該移送不得遲延訴訟之進行，且移送之案件應以相當於原州法院所定庭期，排定於受移送之聯邦法院之日程內。

〔見美國法典第 12 編第 632 條。1933 年 6 月 16 日（法律輯錄第 48 冊第 184 頁）增訂本條。〕

2. 聯邦準備銀行為一造之訴訟

縱法律有其他規定，凡聯邦準備銀行為普通法或衡平法民事訴訟之一造者，應視為依聯邦法律而提起之訴訟，聯邦之地區法院對該訴訟有初審管轄權。如聯邦準備銀行為訴訟之被告時，於開庭前，得依法律所定移送原因其程序，聲請自州法院移送至該區之聯邦管轄法院審理。任一州、郡、市或聯邦法院於終審判決前，均不得對聯邦準備銀行或其財產扣押或執行之。

〔見美國法典第 12 編第 632 條。1933 年 6 月 16 日（法律輯錄第 48 冊第 184 頁）增訂本條。〕

3. Federal Reserve Banks Receiving Property of Foreign States and Central Banks

Whenever (1) any Federal Reserve bank has received any property from or for the account of a foreign state which is recognized by the Government of the United States, or from or for the account of a central bank of any such foreign state, and holds such property in the name of such foreign state or such central bank; (2) a representative of such foreign state who is recognized by the Secretary of State as being the accredited representative of such foreign state to the Government of the United States has certified to the Secretary of State the name of a person as having authority to receive, control, or dispose of such property; and (3) the authority of such person to act with respect to such property is accepted and recognized by the Secretary of State, and so certified by the Secretary of State to the Federal Reserve bank, the payment, transfer, delivery, or other disposal of such property by such Federal Reserve bank to or upon the order of such person shall be conclusively presumed to be lawful and shall constitute a complete discharge and release of any liability of the Federal Reserve bank for or with respect to such property.

[12 USC 632. As added by act of April 7, 1941 (55 Stat. 131).]

4. Insured Banks Receiving Property of Foreign States and Central Banks

Whenever (1) any insured bank has received any property from or for the account of a foreign state which is recognized by the Government of the United States, or from or for the account of a central bank of any such foreign state, and holds such property in the name of such foreign state or such central bank; (2) a representative of such foreign state who is recognized by the Secretary of State as being the accredited representative of such foreign state to the Government of the United States has certified to the Secretary of State the name of a person as having authority to receive, control, or dispose of such property; and (3) the authority of such person to act with respect to such property is accepted and recognized by the Secretary of State, and so certified by the Secretary of State to such insured bank, the payment, transfer, delivery, or other disposal of such property by such bank to or upon the order of such person shall be conclusively presumed to be lawful and shall constitute a complete discharge and release of any liability of such bank for or with respect to such property. Any suit or other legal proceeding against any insured bank or any officer, director, or employee thereof, arising out of the receipt possession, or disposition of any such property shall be deemed to arise under the laws of the United States and the district courts of the United States shall have exclusive jurisdiction thereof, regardless of the amount involved; and any such bank or any officer, director, or employee thereof which is a defendant in any such suit may, at any time before trial thereof, remove such suit from a State court into the district court of the United States for the proper district by following the procedure for the removal of causes otherwise provided by law.

[12 USC 632. As added by act of April 7, 1941 (55 Stat. 132).]

3. 聯邦準備銀行收受外國政府及中央銀行之財產

凡(1)聯邦準備銀行自美國政府所承認之外國政府或中央銀行之帳戶收受財產，而以該外國政府或中央銀行之名義保管者；(2)國務卿所承認之該外國政府派至美國政府之代表，經向國務卿證明該代表有權收受、管理或處分該財產者；及(3)對該人執行財產之授權，經向國務卿接受及承認，並經國務卿向聯邦準備銀行證明者，聯邦準備銀行對該人或依其命令對該財產所為之撥付、移轉、交付或其他處分，均應視為合法而免除聯邦準備銀行對該財產之責任。

〔見美國法典第 12 編第 632 條。1941 年 4 月 7 日（法律輯錄第 55 冊第 131 頁）增訂本條。〕

4. 要保銀行收受外國政府及中央銀行之財產

凡(1)要保銀行自美國政府所承認之外國政府或中央銀行之帳戶收受財產，而以該外國政府或中央銀行之名義保管者；(2)國務卿所承認之該外國政府派至美國政府之代表，經向國務卿證明該代表有權收受、管理或處分該財產者；及(3)對該人執行財產之授權，經向國務卿接受及承認，並經國務卿向要保銀行證明者，要保銀行對該人或依其命令對該財產所為之撥付、移轉、交付或其他處分，均應視為合法而免除該銀行對該財產之責任。任何因該財產之收受、占有或處分，而對要保銀行或其職員、董事或雇員之訴訟或法律程序，應視為依聯邦法律所提起。聯邦地區法院有專屬管轄權，不因其數額而異；銀行或其職員、董事或雇員為訴訟之被告者，於開庭前，得依法律所定移送原因及程序，聲請自州法院移送至該區之聯邦管轄法院審理。

〔見美國法典第 12 編第 632 條。1941 年 4 月 7 日（法律輯錄第 55 冊第 132 頁）增訂本條。〕

5. Licenses Relating to Property of Foreign States and Central Banks

Nothing in this section shall be deemed to repeal or to modify in any manner any of the provisions of the Gold Reserve Act of 1934 (ch. 6, 48 Stat. 337), as amended, the Silver Purchase Act of 1934 (ch. 674, 48 Stat. 1178), as amended, or subdivision (b) of section 5 of the Act of October 6, 1917 (40 Stat. 411), as amended, or any actions, regulations, rules, orders, or proclamations taken, promulgated, made, or issued pursuant to any of such statutes. In any case in which a license to act with respect to any property referred to in this section is required under any of said statutes, regulations, rules, orders, or proclamations, notification to the Secretary of State by the proper Government officer or agency of the issuance of an appropriate license or that appropriate licenses will be issued on application shall be a prerequisite to any action by the Secretary of State pursuant to this section, and the action of the Secretary of State shall relate only to such property as is included in such notification. Each such notification shall include the terms and conditions of such license or licenses and a description of the property to which they relate.

[12 USC 632. As added by act of April 7, 1941 (55 Stat. 132).]

6. Definitions

For the purposes of this section, (1) the term "property" includes gold, silver, currency, credits, deposits, securities, choses in action, and any other form of property, the proceeds thereof, and any right, title, or interest therein: (2) the term "foreign state" includes any foreign government or any department, district, province, county, possession, or other similar governmental organization or subdivision of a foreign government, and any agency or instrumentality of any such foreign government or of any such organization or subdivision; (3) the term "central bank" includes any foreign bank or banker authorized to perform any one or more of the functions of a central bank; (4) the term "person" includes any individual, or any corporation, partnership, association, or other similar organization; and (5) the term "insured bank" shall have the meaning given to it in section 12B of this Act.

[12 USC 632. As added by act of April 7, 1941 (55 Stat. 132). Section 12B was withdrawn and enacted as a separate act by act of Sept. 21, 1950 (64 Stat. 873); for definition of "insured bank" under that act, see 12 USC 1813(h).]

5. 有關外國政府及中央銀行財產之執照

本條規定不應認係將 1934 年黃金準備法（法律輯錄第 48 冊第 377 頁第 6 章）、1934 年修正（法律輯錄第 48 冊第 674 章第 1178 頁）1917 年 10 月 6 日立法（法律輯錄第 40 冊第 411 頁）之白銀購買法及依上述法律所採行或發布之措施、規則、命令或宣告予以廢止或修正。依上述各項法律、規則及命令之規定，執行本規定所指之財產時，應經國務卿之授權，且依規定採取相關措施前，應由發行適當執照之主管機關或官員，於將核發執照時，通知國務卿；國務卿所採措施應以該通知所列財產為限。各該通知應包括該執照之期限、條件及有關該財產之說明。

〔見美國法典第 12 編第 632 條。1941 年 4 月 7 日（法律輯錄第 55 冊第 132 頁）增訂本條。〕

6. 定義

為定義本章，⑴「財產」一詞包括黃金、白銀、通貨、信用、存款、證券、無體財產、其他形式之財產，及由此所收之款項及由此所生之權利或利益；⑵「外國」一詞包括外國政府或其郡、會、省、區、屬地或其他類似之政府組織部門，或該外國政府組織或部門之代表處或所設處所；⑶「中央銀行」一詞包括執行中央銀行一種以上職權之外國銀行業者；⑷「人」一詞包括自然人、公司、合夥、社團或其他類似組織；⑸「要保銀行」一詞指具有本法第 12B 條意義之銀行。

〔見美國法典第 12 編第 632 條。1941 年 4 月 7 日（法律輯錄第 55 冊第 132 頁）增訂本條。1950 年 9 月 21 日（法律輯錄第 64 冊第 873 頁）廢止第 12B 條而另行立法規範，本條「要保銀行」定義，參閱美國法典第 12 編第 1813 條第(h)項。〕

Section 25C. Potential Liability on Foreign Accounts

(a) Exceptions from repayment requirement. A member bank shall not be required to repay any deposit made at a foreign branch of the bank if the branch cannot repay the deposit due to--

1. an act of war, insurrection, or civil strife; or
2. an action by a foreign government or instrumentality (whether de jure or de facto) in the country in which the branch is located;

unless the member bank has expressly agreed in writing to repay the deposit under those circumstances.

(b) Regulations. The Board and the Comptroller of the Currency may jointly prescribe such regulations as they deem necessary to implement this section.

[12 USC 633. As added by act of Sept. 23, 1994 (108 Stat. 2229). Section 326(c) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 USC 633 note) provides as follows:

(c) Section 25C of the Federal Reserve Act (as added by subsection (a)) shall not be applied retroactively and shall not be construed to affect or apply to any claim or cause of action addressed by that section arising from events or circumstances that occurred before the date of enactment of this Act.]

Section 26

[Section 26 authorized the secretary of the Treasury to maintain parity of all forms of money and to strengthen the gold reserve by borrowing gold on security of United States bonds or by issuing gold notes for one year. The authority to issue the bonds was repealed by section 10 of the act of March 18, 1968 (82 Stat. 51); therefore, in the recodification of title 31 (act of Sept. 13, 1982, 96 Stat. 877), section 26 of the Federal Reserve Act, which had been partly incorporated in 31 USC 409, was deleted as obsolete.]

Section 27. Tax on National Bank Notes

1. National Currency Associations; Amendments to National Bank Act

The provisions of the Act of May thirtieth, nineteen hundred and eight, authorizing national currency associations, the issue of additional national-bank circulation, and creating a National Monetary Commission, which expires by limitation under the terms of such Act on the thirtieth day of June, nineteen hundred and fourteen, are hereby extended to June thirtieth, nineteen hundred and fifteen, and sections fifty-one hundred and fifty-three, fifty-one hundred and seventy-two, fifty-one hundred and ninety-one, and fifty-two hundred and fourteen of the Revised Statutes of the United States, which were amended by the Act of May thirtieth, nineteen hundred and eight, are hereby reenacted to read as such sections read prior to May thirtieth, nineteen hundred and eight, subject to such amendments or modifications as are prescribed in this Act: *Provided, however,* That section nine of the Act first referred to in this section is hereby amended so as to change the tax rates fixed in said Act by making the portion applicable thereto read as follows:

第 25C 條　外國帳戶之潛在責任

(a)還款要求之例外。如會員銀行之外國分行，因下列原因致無法償付其收受之存款，除經會員銀行明示並經書面同意外，毋須償付該外國分行所收之存款：

1. 因戰爭、叛亂或民間戰亂所致者。
2. 因該外國分行所在地之外國政府或機構（無論是法律上或事實上）所採取之行動所致者。

(b)規範。聯準會及通貨監理局得於認為適當時，聯合發布相關執行本條規定之規範。

〔見美國法典第 12 編第 633 條。1994 年 9 月 23 日（法律輯錄第 108 冊第 2229 頁，美國法典第 12 編第 633 條附註）之社區發展與法制改進法第 326(c)條增訂本條。規定如下：

(c)本條不應回溯適用於本法制定日前所生之情事中，關於任何主張或因果關係之推定。〕

第 26 條　(廢止)

〔第 26 條授權財政部長得以聯邦政府公債為擔保，借入黃金或發行 1 年期之黃金債券，以維持各種貨幣之平價及加強黃金準備。該發行債券之授權經 1968 年 3 月 18 日（法律輯錄第 82 冊第 51 頁）第 10 條廢止，重編於美國法典第 31 編，聯邦準備銀行法第 26 條除部分納入美國法典第 31 編第 409 條外，已因廢止而刪除。〕

第 27 條　聯邦註冊銀行紙幣之納稅

1. 全國通貨協會、聯邦銀行法之修正

1908 年 5 月 30 日立法所授權全國通貨協會，發行追加聯邦註冊銀行紙幣，及成立全國貨幣委員會之規定，依該法原定期限應於 1914 年 6 月 30 日屆期，茲延長至 1915 年 6 月 30 日。經 1908 年 5 月 30 日立法修正之美國「修正法律」第 5153 條、第 5172 條、第 5191 條及第 5214 條，茲重新立法仍用 1908 年 5 月 30 日前之條款，而受本法所定修正條文之規範。但上述 1908 年 5 月 30 日立法第 9 條應修正其稅率之條文如下：

[Omitted from U.S. Code. Part of original Federal Reserve Act; not amended. Sections 5153, 5172, 5191, and 5214 of the Revised Statutes, referred to in this paragraph, are incorporated in 12 USC 90, 104, 141-143, and 541, respectively.]

2. Tax on National Bank Notes Not Secured by United States Bonds

National banking associations having circulating notes secured otherwise than by bonds of the United States, shall pay for the first three months a tax at the rate of three per centum per annum upon the average amount of such of their notes in circulation as are based upon the deposit of such securities, and afterwards an additional tax rate of one-half of 1 per centum per annum for each month until a tax of 6 per centum per annum is reached, and thereafter such tax of 6 per centum per annum upon the average amount of such notes: *Provided further,* That whenever in his judgment he may deem it desirable, the Secretary of the Treasury shall have power to suspend the limitations imposed by section one and section three of the Act referred to in this section, which prescribe that such additional circulation secured otherwise than by bonds of the United States shall be issued only to National banks having circulating notes outstanding secured by the deposit of bonds of the United States to an amount not less than 40 per centum of the capital stock of such banks, and to suspend also the conditions and limitations of section five of said Act except that no bank shall be permitted to issue circulating notes in excess of one hundred and 25 per centum of its unimpaired capital and surplus. He shall require each bank and currency association to maintain on deposit in the Treasury of the United States a sum in gold sufficient in his judgment for the redemption of such notes, but in no event less than five per centum. He may permit National banks, during the period for which such provisions are suspended, to issue additional circulation under the terms and conditions of the Act referred to as herein amended: *Provided further*, That the Secretary of the Treasury, in his discretion, is further authorized to extend the benefits of this Act to all qualified State banks and trust companies, which have joined the Federal reserve system, or which may contract to join within fifteen days after the passage of this Act.

[Omitted from U.S. Code. As amended by act of Aug. 4, 1914 (38 Stat. 682).]

Section 28. Reduction of Capital of National Banks

(a) *In general*. Subject to the approval of the Comptroller of the Currency, a national banking association may, by a vote of shareholders owning, in the aggregate, two-thirds of its capital stock, reduce its capital.

(b) *Shareholder distributions authorized*. As part of its capital reduction plan approved in accordance with subsection (a), and with the affirmative vote of shareholders owning at least two thirds of the shares of each class of its stock outstanding (each voting as a class), a national banking association may distribute cash or other assets to its shareholders.

〔美國法典將此刪除。本係係原聯邦儲備銀行法所定條文而未修正。本項所指「修正法律」第 5153 條、第 5172 條、第 5191 條及第 5214 條已分別納入美國法典第 12 編第 90 條、第 104 條、第 141 條至第 143 條及第 541 條。〕

2. 未以聯邦政府公債為擔保品之聯邦註冊銀行紙幣之稅制

聯邦註冊銀行之流通紙幣係以聯邦政府公債以外之擔保品擔保者，最初之 3 個月應以該存入擔保品為基礎，計算流通紙幣之平均額，按年率 3%稅率納稅；嗣後每月遞增 0.5%至達 6%後，即按年率 6%就其流通紙幣之平均額納稅。財政部長認為適當時，得停止本條所述立法第 1 條及第 3 條所定，聯邦註冊銀行僅於流通紙幣以聯邦政府公債為擔保品之數額達該銀行資本 40%者，始得以聯邦政府公債以外之擔保品為擔保增發紙幣之限制；及得停止該法第 5 條所定銀行發行流通紙幣之總額，不得超過其未受損之資本額及累積盈餘 125%規定之適用。財政部長應命令各銀行及通貨協會於財政部存入其認為足以回贖該紙幣之黃金。但不得低於 5%。財政部長於該等規定停止適用時，得許可各銀行依本條對該法之修正規定，增加其流通紙幣之發行額。財政部長得裁量將本法之利益擴大適用於已加入聯邦準備制度之州註冊銀行、信託公司或於本法通過後 15 日內訂定合約加入聯邦準備制度者。

〔美國法典刪除此條。經 1919 年 8 月 4 日（法律輯錄第 38 冊第 682 頁）修正本條。〕

第 28 條　聯邦註冊銀行資本之減縮

(a)原則上，聯邦註冊之會員銀行須經通貨監理局之許可，並經持有股份總數 2/3 以上股東投票通過減少其資本之決議。

(b)經核准之股東分派權。聯邦註冊之會員銀行之部分資本經符合上述(a)之程序後，並經持有各類別之股份總數 2/3 以上股東投贊成票（由各類股分別表決通過），得分配現金或其他資產予其股東。

[12 USC 59. Section 5143, Revised Statutes, as amended and renacted by this section, was further amended by acts of Aug. 23, 1935 (49 Stat. 720) and Oct. 13, 2006 (120 Stat. 1970).]

Section 29. Civil Money Penalty

First Tier

(a) Any member bank which, and any institution-affiliated party (within the meaning of section 3(u) of the Federal Deposit Insurance Act) with respect to such member bank who, violates any provision of section 22, 23A, or 23B, or any regulation issued pursuant thereto, shall forfeit and pay a civil penalty of not more than $5,000 for each day during which such violation continues.

[12 USC 504(a). As added by act of Nov. 10, 1978 (92 Stat. 3641) and amended by acts of Oct. 15, 1982 (96 Stat. 1523) and Aug. 9, 1989 (103 Stat. 470).]

Second Tier

(b) Notwithstanding subsection (a), any member bank which, and any institution-affiliated party (within the meaning of section 3(u) of the Federal Deposit Insurance Act) with respect to such member bank who

1. A. commits any violation described in subsection (a);
   B. recklessly engages in an unsafe or unsound practice in conducting the affairs of such member bank; or
   C. breaches any fiduciary duty;
2. which violation, practice, or breach--
   A. is part of a pattern of misconduct;
   B. causes or is likely to cause more than a minimal loss to such member bank; or
   C. results in pecuniary gain or other benefit to such party,

   shall forfeit and pay a civil penalty of not more than $25,000 for each day during which such violation, practice, or breach continues.

[12 USC 504(b). As added by act of Nov. 10, 1978 (92 Stat. 3641) and amended by act of Aug. 9, 1989 (103 Stat. 470).]

〔美國法典第 12 編第 59 條。「修正法律」第 5143 條經本條修正後復經 1935 年 8 月 23 日（法律輯錄第 49 冊第 720 頁）及 2006 年 10 月 13 日（法律輯錄第 120 冊第 1970 頁）立法修正。〕

第 29 條　罰鍰

第一類

(a)會員銀行及其附屬機構之人（指聯邦存款保險法第 3(u)條意義範圍內者）違反第 22 條、第 23(a)條、第 23(b)條或依據上述條文所發布之規則者，於違反持續期間，按日處 5000 美元以下罰鍰。

〔美國法典第 12 編第 504(a)條。1978 年 11 月 10 日（法律輯錄第 92 冊第 3641 頁）增訂本條；經 1982 年 10 月 15 日（法律輯錄第 96 冊第 1523 頁）及 1989 年 8 月 9 日（法律輯錄第 103 冊第 470 頁）修正。〕

第二類

(b)縱有第(a)項之規定，會員銀行及其附屬機構之人（指聯邦存款保險法第 3(u)條意義範圍內者）有下列情事之一者，於其違反實行或不履行持續期間，按日處 25000 美元以下罰鍰：

1. A.違反第(a)項所定之規定；
   B.以不安全或不健全方式輕率處理該會員銀行事務；或
   C.不履行受託責任。
2. 違反、實行或不履行下列情形之一者：
   A.瀆職行為型態之一部分；
   B.肇致或可能肇致該會員銀行某一最低限度以上之損失；或
   C.致該人員獲得金錢或其他利益。

〔美國法典第 12 編第 504(b)條。1978 年 11 月 10 日（法律輯錄第 92 冊第 3641 頁）增訂本條；經 1989 年 8 月 9 日（法律輯錄第 103 冊第 470 頁）修正。〕

Third Tier

(c) Notwithstanding subsections (a) and (b), any member bank which, and any institution-affiliated party (within the meaning of section 3(u) of the Federal Deposit Insurance Act) with respect to such member bank who--

1. knowingly--
   A. commits any violation described in subsection (a);
   B. engages in any unsafe or unsound practice in conducting the affairs of such credit union; or
   C. breaches any fiduciary duty; and
2. knowingly or recklessly causes a substantial loss to such credit union or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach,

shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under subsection (d) for each day during which such violation, practice, or breach continues.

[12 USC 504(c). As added by act of Nov. 10, 1978 (72 Stat. 3641) and amended by act of Aug. 9, 1989 (103 Stat. 470).]

Maximum Amounts of Penalties for Any Violation Described in Subsection (c)

(d) The maximum daily amount of any civil penalty which may be assessed pursuant to subsection (c) for any violation, practice, or breach described in such subsection is--

1. in the case of any person other than a member bank, an amount to not exceed $1,000,000; and
2. in the case of a member bank, an amount not to exceed the lesser of --
   A. $1,000,000; or
   B. 1 percent of the total assets of such member bank.

[12 USC 504(d). As added by act of Nov. 10, 1978 (92 Stat. 3641) and amended by acts of Oct. 15, 1982 (96 Stat. 1523) and Aug. 9, 1989 (103 Stat. 470).]

Assessment, Etc.

(e) Any penalty imposed under subsection (a), (b), or (c) shall be assessed and collected by

第三類

(c)縱有第(a)項及第(b)項之規定，會員銀行及其附屬機構之人（指聯邦存款保險法第 3(u)條意義範圍內者）有下列情事之一者，於其違反、實行或不履行持續期間，按日處不超過第(d)項所定可適用之最高罰鍰金額：

1. 故意為下列行為之一者：
   A.違反第(a)項所定之規定；
   B.以不安全或不健全方式輕率處理該會員銀行事務；或
   C.不履行受託責任。
2. 故意致該會員銀行重大損失，或因該違反、實行或不履行行為致該人員獲得金錢或其他重大利益。

〔美國法典第 12 編第 504(c)條。1978 年 11 月 10 日（法律輯錄第 72 冊第 3641 頁）增訂本條；經 1989 年 8 月 9 日（法律輯錄第 103 冊第 470 頁）修正。〕

違反第(c)項所述罰鍰之最高數額

(d)依據第(c)項規定，對違反、實行或不履行行為按日科處之最高罰鍰金額，得依下列情形定之：

1. 如為會員銀行以外之人，金額不超過 100 萬美元。
2. 如為會員銀行，金額以不超過下列二者較低者為準：
   A.100 萬美元。
   B.該會員銀行全部資產之 1%。

〔美國法典第 12 編第 504(d)條。1978 年 11 月 10 日（法律輯錄第 72 冊第 3641 頁）增訂本條；經 1989 年 8 月 9 日（法律輯錄第 103 冊第 470 頁）修正。〕

應繳金額

(e)第(a)項、第(b)項或第(c)項所科之罰鍰，得由下列機關依聯邦存款保險法第 8 條第(i)項第(2)款第(E)、(F)、(G)及(I)目所定科處罰鍰之方式評定及課徵，且其評定應依該條規定辦理。

1. in the case of a national bank, by the Comptroller of the Currency; and
2. in the case of a State member bank, by the Board,

in the manner provided in subparagraphs (E), (F), (G), and (I) of section 8(i)(2) of the Federal Deposit Insurance Act for penalties imposed (under such section) and any such assessment shall be subject to the provisions of such section.

[12 USC 504(e). As added by act of Nov. 10, 1978 (92 Stat. 3641) and amended by act of Aug. 9, 1989 (103 Stat. 470).]

Hearing

(f) The member bank or other person against whom any penalty is assessed under this section shall be afforded an agency hearing if such member bank or person submits a request for such hearing within 20 days after the issuance of the notice of assessment. Section 8(h) of the Federal Deposit Insurance Act shall apply to any proceeding under this section.

[12 USC 504(f). As added by act of Nov. 10, 1978 (92 Stat. 3641) and amended by act of Aug. 9, 1989 (103 Stat. 470).]

Disbursement

(g) All penalties collected under authority of this paragraph shall be deposited into the Treasury.

[12 USC 504(g). As added by act of Nov. 10, 1978 (92 Stat. 3641) and amended by act of Aug. 9, 1989 (103 Stat. 470).]

"Violate" Defined

(h) For purposes of this section, the term "violate" includes any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.

[12 USC 504(h). As added by act of Aug. 9, 1989 (103 Stat. 470).]

Regulations

(i) The Comptroller of the Currency and the Board shall prescribe regulations establishing such procedures as may be necessary to carry out this section.

[12 USC 504(i). As added by act of Aug. 9, 1989 (103 Stat. 470).]

1. 如為聯邦註冊銀行，由通貨監理局長。
2. 如為州註冊會員銀行，由聯準會。

〔美國法典第 12 編第 504(e)條。1978 年 11 月 10 日（法律輯錄第 92 冊第 3641 頁）增訂本條；經 1989 年 8 月 9 日（法律輯錄第 103 冊第 470 頁）修正。〕

聽證會

(f)依本項規定被處以罰鍰之會員銀行或其他人，如於評定通知發出 20 日內申請舉辦聽證會者，應核准並舉辦之。聯邦存款保險法第 8(h)條之規定應適用於本條所進行之程序。

〔美國法典第 12 編第 504(f)條。1978 年 11 月 10 日（法律輯錄第 92 冊第 3641 頁）增訂本條；經 1989 年 8 月 9 日（法律輯錄第 103 冊第 470 頁）修正。〕

付款

(g)依本項規定所收之罰鍰應存入國庫。

〔美國法典第 12 編第 504(g)條。1978 年 11 月 10 日（法律輯錄第 92 冊第 3641 頁）增訂本條；經 1989 年 8 月 9 日（法律輯錄第 103 冊第 470 頁）修正。〕

「違反」之定義

(h)本條所指「違反」，包括單獨、共同或因其他行動所引起或將引起、導致、參與、商議、幫助或教唆等行為。

〔美國法典第 12 編第 504(h)條。1989 年 8 月 9 日（法律輯錄第 103 冊第 470 頁）增訂。〕

規則

(i)通貨監理局長及聯準會應訂定規則，以建立為執行本條規定所必要之程序。

〔美國法典第 12 編第 504(i)條。1989 年 8 月 9 日（法律輯錄第 103 冊第 470 頁）增訂。〕

Notice Under This Section After Separation from Service

(j) The resignation, termination of employment or participation, or separation of an institution-affiliated party (within the meaning of section 3(u) of the Federal Deposit Insurance Act) with respect to a member bank (including a separation caused by the closing of such a bank) shall not affect the jurisdiction and authority of the appropriate Federal banking agency to issue any notice and proceed under this section against any such party, if such notice is served before the end of the 6-year period beginning on the date such party ceased to be such a party with respect to such bank (whether such date occurs before, on, or after the date of the enactment of this subsection).

[12 USC 504(j). As added by act of Aug. 9, 1989 (103 Stat. 461).]

Section 30. Saving Clause

If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

[Omitted from U.S. Code. Part of original Federal Reserve Act; not amended.]

Section 31. Reservation of Right to Amend

1. Reservation of Right to Amend

The right to amend, alter, or repeal this Act is hereby expressly reserved.

[Omitted from U.S. Code. Part of original Federal Reserve Act; not amended.]

離職後依本條規定之通知

(j)會員銀行附屬機構人員（指聯邦存款保險法第 3(u)條意義範圍內者）之辭職、終止僱傭關係或離職（包括因該銀行結束營業而離職者），如該聯邦主管機關所發出之通知於該銀行人員停職日起 6 年內送達者（不論其停職日係在本項生效日之前後），該聯邦主管機關依本條規定對該人員所發通知及處置之管轄權及權力，不受影響。

〔美國法典第 12 編第 504(j)條。1989 年 8 月 9 日（法律輯錄第 103 冊第 461 頁）增訂。〕

第 30 條　保留條款

本法之條款、用語、段落或其中之一部，經有管轄權之法律判決認定為無效者，該判決不應影響、減損或使本法之其他規定失效，經法院判決無效之部分，僅限於與該判決中之爭議有直接關係之條款、用語、段落或其中之部分內容。

〔美國法典刪除本條。本條為原法案條文，並無修正。〕

第 31 條　修正權之保留

1. 修正權之保留

茲明示保留對本法案之修正、更改或廢止之各項權力。

〔美國法典刪除本條。本條為原法案條文，並無修正。〕

二、BANK OF ENGLAND ACT 1998
英格蘭銀行法

BANK OF ENGLAND ACT 1998

PART I *CONSTITUTION, REGULATION AND FINANCIAL ARRANGEMENTS*
PART IA *FINANCIAL STABILITY*
PART II *MONETARY POLICY*
PART III *TRANSFER OF SUPERVISORY FUNCTIONS OF THE BANK TO THE FINANCIAL SERVICES AUTHORITY*
PART IV *MISCELLANEOUS AND GENERAL*
SCHEDULE 1 *COURT OF DIRECTORS*
SCHEDULE 2 *CASH RATIO DEPOSITS*
SCHEDULE 2A *FINANCIAL POLICY COMMITTEE*
SCHEDULE 3 *MONETARY POLICY COMMITTEE*
SCHEDULE 4 *TRANSFER OF FUNCTIONS: SUPPLEMENTARY PROVISIONS*
SCHEDULE 5 *TRANSFER OF FUNCTIONS: CONSEQUENTIAL AMENDMENTS*
SCHEDULE 7 *RESTRICTION ON DISCLOSURE OF INFORMATION*
SCHEDULE 8 *TRANSITIONAL PROVISIONS AND SAVINGS*
SCHEDULE 9 *REPEALS AND REVOCATIONS*

英格蘭銀行法

法務室　林男錡　譯

第 1 章 組織、管理及財務規劃
第 1A 章　金融穩定
第 2 章　貨幣政策
第 3 章　本行金融監理職權移轉至金融服務管理局
第 4 章　附款及通則
附則 1　理事會
附則 2　現金比率存款
附則 2A　金融政策委員會
附則 3　貨幣政策委員會
附則 4　職權移轉：補充條款
附則 5　職權移轉：後續修正
附則 7　資料揭露之限制
附則 8　過渡條款及存款
附則 9　廢止

BANK OF ENGLAND ACT 1998

CHAPTER 11

An Act to make provision about the constitution, regulation, financial arrangements and functions of the Bank of England, including provision for the transfer of supervisory functions; to amend the Banking Act 1987 in relation to the provision and disclosure of information; to make provision relating to appointments to the governing body of a designated agency under the Financial Services Act 1986; to amend Schedule 5 to that Act; to make provision relating to the registration of Government stocks and bonds; to make provision about the application of section 207 of the Companies Act 1989 to bearer securities; and for connected purposes. [23 April 1998]

PART I
CONSTITUTION, REGULATION AND FINANCIAL ARRANGEMENTS

Constitution and regulation

1 Court of directors

(1) There shall continue to be a court of directors of the Bank.

[(2) The court shall consist of the following directors appointed by Her Majesty –

(a) a Governor,

(b) a Deputy Governor for financial stability,

(c) a Deputy Governor for monetary policy,

(d) a Deputy Governor for prudential regulation, and

(e) not more than 9 non-executive directors.]

(2A) […]

英格蘭銀行法

第 11 章

為規範英格蘭銀行（以下簡稱本行）[譯註]之組織、管理、財務規劃及職權，包括監理權限移轉之規定、修正 1987 年銀行法有關資訊揭露之規定、訂定 1986 年金融服務法有關任命指定機構管理成員之規定、修正前述法律附則 5、訂定政府股票及公債之登記規定、適用 1989 年公司法第 207 條有關無記名證券之規定，以及為達成有關目的而制定之法律（以下簡稱本法）。[1998 年 4 月 23 日]

第 1 章 組織、管理及財務規劃

組織及管理

第 1 條 理事會

(1)本行續設理事會。

[(2)理事會由英國女王任命下列理事組成：

(a)總裁 1 人；

(b)負責金融穩定之副總裁 1 人；

(c)負責貨幣政策之副總裁 1 人；

(d)負責審慎監理之副總裁 1 人；及

(e)非執行理事 9 人以下。]

(2A)[…]

[譯註] 為便於閱讀，本篇譯文之「英格蘭銀行」一詞簡稱為「本行」。

Section 1 (2) introduced by section 1 (1) of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes and replaced previous sections 1 (2) and 1(2A).

(3) […]

Section 1(3) repealed by section 114 (2) and Schedule 19 of the Financial Services Act 2012.

(4) Schedule 1 shall have effect with respect to the court.

2 Functions of court of directors

(1) The court of directors of the Bank shall manage the Bank's affairs, other than the formulation of monetary policy.

(2) In particular, the court's functions under subsection (1) shall include determining the Bank's objectives (including objectives for its financial management) and strategy.

(3) In determining the Bank's objectives and strategy, the court's aim shall be to ensure the effective discharge of the Bank's functions.

(4) Subject to that, in determining objectives for the financial management of the Bank, the court's aim shall be to ensure the most efficient use of the Bank's resources.

[(5) Sections 2A and 11 set objectives for the Bank in relation to financial stability and monetary policy; and subsections (2) to (4) above are subject to those sections.]

Section 2 (5) introduced by section 238 (2) of the Banking Act 2009, which came into force on 1 June 2009.

[2A Financial Stability Objective

(1) An objective of the Bank shall be to [protect and enhance] the stability of the financial [system] of the United Kingdom (the "Financial Stability Objective").

Square-bracketed wording in section 2A (1) introduced by section 2 (2) of the Financial Services Act 2012, which came into force on 1 April 2013.

(2) In pursuing the Financial Stability Objective the Bank shall aim to work with other relevant bodies (including the Treasury [,the Financial Conduct Authority and the Prudential Regulation Authority)].

第 1 條第(2)項規定係依 2012 年金融服務法第 1 條第(1)項規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定及原第 1 條第(2)項與第(2A)項之修正規定自 2013 年 4 月 1 日生效。

(3)[…]

第 1 條第(3)項規定係依 2012 年金融服務法第 114 條第(2)項及附則 19 規定廢止。

(4)附則 1 有關理事會之規定，隨同本法生效。

第 2 條　理事會職權

(1)理事會管理本行一切事務。但貨幣政策之制定除外。

(2)具體而言，第(1)項理事會職權應包括本行經營目標（包括本行財務管理目標）及策略之訂定。

(3)理事會訂定本行經營目標及策略時，應以確保本行職權之有效行使為目的。

(4)理事會依前述規定訂定本行財務管理目標時，應以確保本行資源之最有效利用為目的。

[(5)執行第(2)項至第(4)項規定應符合第 2A 條及第 11 條所定本行金融穩定及貨幣政策目標。]

第 2 條第(5)項規定係依 2009 年銀行法第 238 條第(2)項規定增訂，並自 2009 年 6 月 1 日生效。

[第 2A 條　金融穩定目標

(1)本行經營目標應[保護及強化]英國金融[體系]之穩定（以下簡稱金融穩定目標）。

第 2A 條第(1)項規定方括弧內之文字係依 2012 年金融服務法第 2 條第(2)項規定修正，並自 2013 年 4 月 1 日生效。

(2)本行為達成金融穩定目標，應與其他相關機關（包括財政部[、金融督導局及審慎監理局]）合作。

Square-bracketed wording in section 2A (2) introduced by section 2 (3) of the Financial Services Act 2012, which came into force on 1 April 2013.

(3) […]]

Wording in section 2A (3) omitted by section 2 (4) of the Financial Services Act 2012, which came into force on 1 April 2013.
Section 2A originally introduced by section 238 (1) of the Banking Act 2009, which came into force on 1 June 2009.
Sections 2B and 2C (both sections relating to the Financial Stability Committee) repealed by section 4 (4) of the Financial Services Act 2012, which came into force on 1 April 2013.

[3A Oversight Committee

(1) There is to be a sub-committee of the court of directors of the Bank ("the Oversight Committee") consisting of the non-executive directors of the Bank.

(2) The functions of the Oversight Committee are –

(a) keeping under review the Bank's performance in relation to –

(i) the Bank's objectives (that is, the objectives specified in relation to it in this Act and the other objectives for the time being determined by the court of directors of the Bank),

(ii) the duty of the Financial Policy Committee under section 9C, and

(iii) the Bank's strategy as for the time being determined by the court of directors of the Bank (including its financial stability strategy);

(b) monitoring the extent to which the objectives set by the court of directors of the Bank in relation to the Bank's financial management have been met;

(c) keeping under review the internal financial controls of the Bank with a view to securing the proper conduct of its financial affairs;

(d) the functions conferred on the Oversight Committee by the provisions listed in subsection (4).

(3) The court of directors of the Bank may arrange for specified functions of the Bank to be discharged by the Oversight Committee.

(4) The provisions referred to in subsection (2)(d) are –

(a) section 9B (review of procedures followed by Financial Policy Committee);

(b) section 16 (review of procedures followed by Monetary Policy Committee);

(c) paragraph 14 of Schedule 1 (remuneration of Governor and Deputy Governors);

第 2A 條第(2)項規定方括弧內之文字係依 2012 年金融服務法第 2 條第(3)項規定修正，並自 2013 年 4 月 1 日生效。

(3) […]]

第 2A 條第(3)項規定之文字係依 2012 年金融服務法第 2 條第(4)項規定刪除，並自 2013 年 4 月 1 日生效。
第 2A 條原規定係依 2009 年銀行法第 238 條第 2 項規定新增，並自 2009 年 6 月 1 日生效。
第 2B 條及第 2C 條規定（均涉及金融穩定委員會）係依 2012 年金融服務法第 4 條第(4)項規定廢止，並自 2013 年 4 月 1 日生效。

[第 3A 條　監督委員會

(1)理事會設一附屬委員會（監督委員會），由非執行理事組成。

(2)監督委員會職權如下：

(a) 檢討本行下列事項之績效：

(i) 本行經營目標（即本法所定之經營目標及其他理事會當前所訂之經營目標）；

(ii) 第 9C 條所定金融政策委員會之職責；及

(iii) 理事會當前所訂之本行策略（包括金融穩定策略）。

(b) 監督理事會所訂本行財務管理目標之達成程度；

(c) 檢討本行內部財務控制，以確保本行財務健全運作；以及

(d) 第(4)項各款規定賦予監督委員會之職權。

(3)理事會得將本行特定職權委由監督委員會行使。

(4)第(2)項第(d)款所稱之規定如下：

(a) 第 9B 條（審查金融政策委員會之議事程序）；

(b) 第 16 條（審查貨幣政策委員會之議事程序）；

(c) 附則 1 第 14 點（總裁及副總裁之薪資）；

(d) paragraph 5 of Schedule 2A (terms and conditions of office of members of Financial Policy Committee appointed under section 9B (1)(e));
(e) paragraph 9 of that Schedule (removal of members of Financial Policy Committee appointed under section 9B (1)(d) or (e));
(f) paragraph 4 (2) of Schedule 3 (terms and conditions of office of members of Monetary Policy Committee appointed under section 13 (2)(c));
(g) paragraph 9 of that Schedule (removal of members of Monetary Policy Committee appointed under section 13 (2)(b) or (c));
(h) paragraph 15 of Schedule 1ZB to the Financial Services and Markets Act 2000 (terms of service and remuneration of members of the governing body of the Prudential Regulation Authority).

3B Oversight Committee: procedure

(1) The chair of the court (designated under paragraph 13 of Schedule 1) is to chair meetings of the Oversight Committee (when present).
(2) The Committee is to determine its own procedure, but this is subject to subsection (1) and subsection (5).
(3) The Committee may invite other persons to attend, or to attend and speak at, any meeting of the Committee.
(4) The Committee may delegate any of its functions to two or more of its members.
(5) If a member of the Committee ("M") has any direct or indirect interest (including any reasonably likely future interest) in any dealing or business which falls to be considered by the Committee –
(a) M must disclose that interest to the Committee when it considers that dealing or business, and
(b) the Committee must decide whether M is to be permitted to participate in any proceedings of the Committee relating to any question arising from its consideration of the dealing or business, and if so to what extent and subject to what conditions (if any).

3C Reviews

(1) In the discharge of any of its functions, the Oversight Committee may arrange –

(d) 附則 2A 第 5 點（依第 9B 條第(1)項第(e)款規定任命之金融政策委員會委員之任期及任職條件）；
(e) 附則 2A 第 9 點（依第 9B 條第(1)項第(d)款或第(e)款規定任命之金融政策委員會委員之解任）；
(f) 附則 3 第 4 點第(2)項（依第 13 條第(2)項第(c)款規定任命之貨幣政策委員會委員之任期及任職條件）；
(g) 附則 3 第 9 點（依第 13 條第(2)項第(b)款或第(c)款規定任命之貨幣政策委員會委員之解任）；
(h) 2000 年金融服務及市場法附則 1ZB 第 15 點（審慎監理局管理成員之任期及薪資）。

第 3B 條　監督委員會之議事程序

(1)理事會主席（依附則 1 第 13 點規定指派者）（於出席會議時）為監督委員會會議之主席。
(2)委員會應自行訂定議事程序。但應符合第(1)項及第(5)項規定。
(3)委員會得邀請其他人員列席會議，或列席會議並表示意見。
(4)委員會得將其職權，授權由委員 2 人以上行使。
(5)委員會委員對於委員會審議之交易或業務，有直接或間接利害關係（包括未來可能發生之利害關係）時：
(a) 該委員應於委員會審議該項交易或業務時，向委員會揭露其利害關係；且
(b) 委員會應決定該委員得否參與委員會審議該項交易或業務之議程，以及得參與時之參與程度及（如有條件時之）限制條件。

第 3C 條　檢討

(1)監督委員會行使其職權時，得規劃：

(a) for a review to be conducted under this section in relation to any matter by a person appointed by the Committee, and

(b) for the person conducting the review to make one or more reports to the Committee.

(2) The persons who may be appointed to conduct a review include an officer or employee of the Bank.

(3) A review under this section is a "performance review" if it –

(a) is arranged by the Committee in the discharge of any of its functions under section 3A(2)(a) and (b), and

(b) relates to past events.

(4) If the person to be appointed to conduct a performance review is an officer or employee of the Bank, the appointment requires the consent of the Governor of the Bank.

(5) In the case of a performance review, the Committee must have regard to the desirability of ensuring that sufficient time has elapsed –

(a) for the review to be effective, and

(b) to avoid the review having a material adverse effect on the exercise by the Bank of its functions.

3D Publication of reports of performance reviews

(1) The Bank must give the Treasury a copy of any report made to the Oversight Committee by a person appointed under section 3C to conduct a performance review (as defined by subsection (3) of that section).

(2) Subject to subsection (3), the Bank must also publish the report.

(3) Subsection (2) does not require the publication of information whose publication at the time when the report is made would in the opinion of the court of directors of the Bank be against the public interest.

(4) Where the court of directors decides under subsection (3) that publication of information at the time when the report is made would be against the public interest, it must keep under consideration the question of whether publication of the information would still be against the public interest.

(5) Where the court of directors decides that publication of any information is no longer against the public interest, the Bank must publish the information.

(6) The Treasury must lay before Parliament a copy of any report or other information published by the Bank under this section.

(a) 由委員會指派 1 人依本條規定對任何事務進行檢討；並

(b) 由該受任檢討者向委員會提交報告。

(2)本行職員或受僱人員得被指派為進行檢討之人。

(3)依本條規定進行之檢討，如符合下列情形即為「績效檢討」：

(a) 該檢討係委員會為行使第 3A 條第(2)項第(a)款及第(b)款之職權而規劃；且

(b) 有關已發生事件之檢討。

(4)本行職員或受僱人員被指派進行績效檢討前，應經總裁同意。

(5)為達成下列目的，委員會進行績效檢討時，應確認已經過相當之期間：

(a)使檢討能發揮效能；且

(b)避免該檢討對本行職權之行使有實質負面影響。

第 3D 條　績效檢討報告之公布

(1)本行應向財政部提報依第 3C 條規定指派之人向監督委員會所作之（該條第(3)項定義之）績效檢討報告副本。

(2)本行應依第(3)項規定公布該報告。

(3)依第(2)項規定應公開之資訊，不包括理事會認為於報告完成時公開該資訊將違反公共利益者。

(4)理事會依第(3)項規定認定於報告完成時公開資訊將違反公共利益時，應持續考量公開該資訊是否仍然違反公共利益。

(5)理事會認定公開資訊不再違反公共利益時，本行即應公開該資訊。

(6)財政部應向國會提交本行依本條規定公布之報告副本或其他資訊。

3E Recommendations resulting from review

(1) This section applies where a report made by a person appointed under section 3C to conduct a review makes recommendations to the Bank as to steps to be taken by it.

(2) The Oversight Committee must –

(a) monitor the Bank's response to the report, and

(b) if or to the extent that the Bank accepts the recommendations, monitor the implementation of the recommendations.

3F Oversight Committee: further provisions

(1) The documents to which the Oversight Committee is to have access in the discharge of its functions include documents considered, or to be considered, by the Financial Policy Committee or the Monetary Policy Committee.

(2) One or two members of the Oversight Committee may attend any meeting of the Financial Policy Committee or the Monetary Policy Committee, but a person attending by virtue of this subsection may not speak unless invited to do so by the person chairing the meeting.

(3) Subsection (2) does not affect –

(a) anything done in relation to the Financial Policy Committee by a member of that Committee who is also a member of the Oversight Committee,

(b) the powers of the Financial Policy Committee under paragraph 13 of Schedule 2A, or

(c) the powers of the Monetary Policy Committee under paragraph 13A of Schedule 3.

New sections 3A to 3F introduced by section 3 (2) of the Financial Services Act 2012, which came into force on 1 April 2013, and replaced previous section 3 (functions to be carried out by non-executive members).

4 Annual report by the Bank

(1) As soon as practicable after the end of each of its financial years, the Bank shall make to the Chancellor of the Exchequer a report on its activities in that year.

(2) A report under this section shall, in particular, contain –

(a) [a report by the Oversight Committee on the matters for which it is responsible,]

Square-bracketed wording introduced by section 3 (3) of the Financial Services Act 2012, which came into force on 1 April 2013.

第 3E 條　檢討結果之建議

(1)本條規定於第 3C 條任命之人之檢討報告內容有建議本行應採行之步驟時，適用之。

(2)監督委員會應：

(a)監督本行對報告之回應；並

(b)於本行接受建議之全部或一部時，監督其執行情形。

第 3F 條　監督委員會之其他規定

(1)監督委員會行使職權時得查閱之文件，包括金融政策委員會或貨幣政策委員會已納入考量或將納入考量之文件。

(2)監督委員會得由委員 1 至 2 人列席金融政策委員會或貨幣政策委員會會議。但依本項規定列席之人員，未經會議主席徵詢不得發言。

(3)第(2)項規定不影響：

(a)同時為金融政策委員會及監督委員會之委員，其對於金融政策委員會之行為；

(b)金融政策委員會依附則 2A 第 13 點規定之權限；以及

(c)貨幣政策委員會依附則 3 第 13A 點規定之權限。]

第 3A 條至第 3F 條新規定係依 2012 年金融服務法第 3 條第(2)項規定新增，取代原第 3 條規定（非執行理事之職權），並自 2013 年 4 月 1 日生效。

第 4 條　本行年度報告

(1)本行應於每一會計年度終了後，儘速就該年度業務狀況，向財政大臣提出報告。

(2)具體而言，本條之報告應包括下列事項：

(a)[監督委員會就其職掌事項所為之報告；]

方括弧內之文字係依 2012 年金融服務法第 3 條第(3)項規定修正，並自 2013 年 4 月 1 日生效。

[(aa) a report by the court of directors on the activities of the Financial Policy Committee of the Bank, and]

Square-bracketed wording introduced by section 4 (3) of the Financial Services Act 2012, which came into force on 1 April 2013.

(b) a copy of the statement for the year prepared under section 7 (2) and the report of the Bank's auditors on it.

(3) The report mentioned in subsection (2)(a) shall, in particular, include a review of the Bank's performance in relation to its objectives and strategy, as determined by the court of directors of the Bank, in the financial year to which the report under this section relates.

(4) A report under this section shall also contain –

(a) a statement of the rate or rates at which [non-executive directors] of the Bank have been remunerated in the financial year to which the report relates, and

(b) a statement of the Bank's objectives and strategy, as determined by the court of directors of the Bank, for the financial year in which the report is made.

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

(5) The Bank shall publish every report under this section in such manner as it thinks appropriate.

(6) The Chancellor of the Exchequer shall lay copies of every report under this section before Parliament.

5 Custody and use of the seal

(1) The court of directors of the Bank shall have custody of the Bank's seal.

(2) The seal shall only be affixed to an instrument if the affixation has been authorised by the court or by a sub-committee of the court acting in exercise of delegated authority.

(3) The affixing of the seal shall be attested by the signature of –

(a) two members of the court,

(b) one member of the court and the secretary to the court, or

(c) two other officers of the Bank authorised by the court for the purpose.

[(aa)理事會就金融政策委員會之業務狀況所為之報告；以及]

方括弧內之文字係依 2012 年金融服務法第 4 條第(3)項規定新增，並自 2013 年 4 月 1 日生效。

(b) 依第 7 條第(2)項規定編製之年度會計報表副本及本行稽核對該報表之報告。

(3)第(2)項第(a)款所定之報告，應特別包括於該報告之會計年度內，就理事會所訂定本行經營目標及策略之績效檢討。

(4)本條之年度報告並應包括：

(a) [非執行理事]於該報告之會計年度內受領薪資之說明；以及

(b) 編製該報告之會計年度內，理事會所定之本行經營目標及策略。

方括弧內之文字係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

(5)本行應以其認為適當之方式公布本條之報告。

(6)財政大臣應向國會提交本條之報告副本。

第 5 條　印信之保管及使用

(1)理事會掌管本行之印信。

(2)前述印信僅得蓋用於理事會核准之文書，或理事會附屬之委員會經授權所核准之文書。

(3)前述印信之蓋用，應以下列人員簽署為憑：

(a)理事 2 人；

(b)理事 1 人及理事會秘書；或

(c)理事會基於特定目的所授權之本行職員 2 人。

Financial arrangements

6 Cash ratio deposits

Schedule 2 (which makes provision about the maintenance of cash deposits with the Bank by certain financial institutions) shall have effect.

7 Accounts

(1) The Bank shall keep proper accounts and records in relation to the accounts.

(2) The Bank shall prepare for each of its financial years a statement of accounts consisting of –

(a) a balance sheet as at the last day of the year, and

(b) a profit and loss account.

(3) In preparing accounts under subsection (2), the Bank shall be subject to requirements corresponding to the relevant Companies Act requirements, except insofar as the accounts relate to the Issue Department.

(4) The Bank may disregard a requirement to which it is subject under subsection (3) to the extent that it considers it appropriate to do so having regard to its functions.

(5) The Bank shall appoint an auditor or auditors to audit its accounts, including any statement under subsection (2).

(6) As soon as practicable after receiving the report of its auditors on a statement prepared under subsection (2), the Bank shall send a copy of –

(a) the report, and

(b) the statement, to the Chancellor of the Exchequer.

(7) The Treasury may by notice in writing to the Bank require it to publish in such manner as it thinks fit such additional information relating to its accounts as the Treasury may specify in the notice, including information which the Bank has excluded under subsection (4) from a statement under subsection (2).

(8) The Treasury shall consult the Bank before giving a notice under subsection (7).

(9) In subsection (3), the reference to the relevant Companies Act requirements is to the requirements to which the directors of a company which is a banking company for the purposes of [the Companies Act 2006] are for the time being subject under that Act [(except sections 412 and 413 (directors' benefits))] in relation to the preparation of accounts under [section 394] of that Act.

財務規劃

第 6 條　現金比率存款

附則 2（規定特定金融機構存放於本行之現金存款）隨同本法生效。

第 7 條　帳目

(1)本行應保有正確之帳目及其紀錄。

(2)本行每一會計年度應編製之會計報表包括：

(a)該會計年度最末日之資產負債表；及

(b)損益表。

(3)除發行部門之帳目外，本行應依公司法相關規定編製第(2)項所定之帳目。

(4)本行因行使職權之考量，於認為適當之情形下，得不依第(3)項規定辦理。

(5)本行應指定稽核 1 人以上，稽查包括第(2)項所定各項會計報表在內之本行帳目。

(6)本行於收到稽核針對第(2)項會計報表所為之稽查報告時，應儘速將下列資料之副本送交財政大臣：

(a)稽查報告；及

(b)會計報表。

(7)財政部得以書面通知要求本行以其認為適當之方式，公開該通知所列有關本行帳目之補充資料；前述資料包括本行依第(4)項規定免予編製之第(2)項會計報表。

(8)財政部為第(7)項之通知前，應先洽商本行意見。

(9)第(3)項規定所稱之公司法相關規定，係指銀行公司之董事當前依[2006 年公司法（除第 412 條及第 413 條規定（董事報酬）外）第 394 條規定]關於編製帳目之規定。

Square-bracketed wording introduced by Articles 3 (1)(b) and 6 and Schedule 1, Part 2, para 205 (1) of The Companies Act 2006 (Consequential Amendments etc) Order 2008 (SI 2008 No.948). By virtue of the transitional provisions and savings in (i) the aforementioned Order (in particular in Articles 6 and 12) and (ii) The Companies Act 2006 (Commencement No. 5, Transitional Provisions and Savings) Order 2007 (SI 2007 No.3495) (in particular in Article 9 and Schedule 4, para 6), the new provisions apply to accounts for financial years beginning on or after 6 April 2008.

8 Payments in lieu of dividends

(1) In section 1 of the Bank of England Act 1946, in subsection (4), of dividends (amount payable to Treasury in lieu of dividends on Bank stock), for the words from "the sum" to the end there is substituted "a sum equal to 25 per cent. of the Bank's net profits for its previous financial year, or such other sum as the Treasury and the Bank may agree."

(2) In that section, at the end there is inserted –

"(6) In subsection (4) of this section, the reference to the Bank's net profits for its previous financial year is to the profits shown in the audited accounts for that year less the amount of the tax charge so shown."

(3) In Schedule 1 to that Act (supplemental provisions), after paragraph 11 thereis inserted –

"11 A – (1) If, when a payment falls to be made under section 1 (4) of this Act, the Bank's accounts for the previous financial year have not been audited, the payment shall be made on the basis of the Bank's estimate of the relevant amounts. (2) If an amount estimated under sub-paragraph (1) of this paragraph differs from the amount shown in the audited accounts, an appropriate adjustment shall be made to the next payment under section 1 (4) of this Act to be made after the difference becomes apparent."

(4) In that Schedule, for paragraph 14 there is substituted –

"14. Any sum paid by the Bank to the Treasury in lieu of dividends shall be allowed as a deduction in assessing the Bank to corporation tax for the accounting period by reference to which the payment is calculated."

Supplementary

9 Consequential amendments

方括弧內之文字係依 2006 年公司法（後續修正等）之 2008 年（SI 2008 第 948 號）命令第 3 條第(1)項第(b)款、第 6 條及附則 1 第 2 章第 205 點第(1)項規定修正。依前述命令（特別是第 6 條及第 12 條規定）及 2006 年公司法（第 5 號過渡條款及存款之施行）之 2007 年（SI 2007 第 3495 號）命令（特別是第 9 條及附則 4 第 6 點規定）之過渡條款及存款規定，新規定適用於自 2008 年 4 月 6 日起算之會計年度帳目。

第 8 條　以付款代替股息

(1) 1946 年英格蘭銀行法第 1 條第(4)項規定（支付財政部代替本行股息之金額），自「總額」等字起至末行，修正為「相當於本行上一會計年度淨利 25%之總額，或財政部與本行同意之其他總額」。

(2)前項條文之末，應增訂：

「(6)第(4)項規定所稱之本行上一會計年度淨利，係指該會計年度稽核帳目所列出之盈餘扣除稅捐之數額。」

(3)第(1)項法律之附則 1（補充條款）第 11 點之後，應增訂：

「11A (1)本行依本法第 1 條第(4)項規定付款時，如本行上一會計年度帳目尚未完成稽查，其應付金額，應以本行就相關帳目之估算金額為計付基礎。(2)依第(1)項規定估算之金額與帳目稽查後之金額不同時，本行應依本法第 1 條第(4)項規定之金額，於次期付款時為適當之調整。」

(4)前述附則第 14 點規定修正為：

「14. 本行以付款代替股息支付財政部之金額，於核計同一會計期間之公司稅時，視為扣除額。」

補充條款

第 9 條　相應修正規定

(1) In section 14 of the National Debt Reduction Act 1786 and section 32 of the Life Annuities Act 1808, for "deputy governor" there is substituted "deputy governors".

(2) In section 55 of the National Debt Act 1870, the first reference to the Deputy Governor of the Bank of England shall be treated as a reference to a Deputy Governor of the Bank of England.

The reference has since been amended by the Government Stock (Consequential and Transitional Provision) (No 2) Order 2004 (SI 2004 No 1662), Article 2 and the Schedule, para 3(7).

(3) In section 3 (3) of the Bank of England Act 1946, after "this Act" there is inserted "and the Bank of England Act 1998".

[PART IA
FINANCIAL STABILITY

Financial stability strategy of the Bank

9A Financial stability strategy

(1) The court of directors must –

(a) determine the Bank's strategy in relation to the Financial Stability Objective (its "financial stability strategy"), and

(b) from time to time review, and if necessary revise, the strategy.

(2) Before determining or revising the Bank's financial stability strategy, the court of directors must consult about a draft of the strategy or of the revisions –

(a) the Financial Policy Committee, and

(b) the Treasury.

(3) The Financial Policy Committee may at any time make recommendations to the court of directors as to the provisions of the Bank's financial stability strategy.

(4) The court of directors must determine the financial stability strategy of the Bank within 6 months of the coming into force of this section.

(5) The court of directors must carry out and complete a review of the Bank's financial stability strategy before the end of each relevant period.

(6) The relevant period is 3 years beginning with the date on which the previous review was completed, except that in the case of the first review the relevant period is the period of 3 years beginning with the date on which the strategy was determined under subsection (4).

(1)1786 年國家債務縮減法第 14 條及 1808 年國民年金法第 32 條之「副總裁」，修正為「副總裁 2 人」。

(2)1870 年國家債務法第 55 條首次援引之「英格蘭銀行副總裁」，應被視為「英格蘭銀行副總裁之一」。

援引內容係依 2004 年（SI 2004 第 1662 號）政府股票（相應及過渡條款）（第 2 號）命令第 2 條及其附則第 3 點第(7)項規定修正。

(3)1946 年英格蘭銀行法第 3 條第(3)項之「本法」以下，增列「及 1998 年英格蘭銀行法」等字。

[第 1A 章　金融穩定

本行金融穩定策略

第 9A 條　金融穩定策略

(1)理事會應：

(a) 訂定本行有關金融穩定目標之策略（以下簡稱金融穩定策略）；及

(b) 不定期檢討，並於必要時修正該策略。

(2)理事會訂定或修正金融穩定策略前，應先就其草案或修正草案洽商下列機關之意見：

(a) 金融政策委員會；

(b) 財政部。

(3)金融政策委員會得隨時就金融穩定策略相關規定，向理事會提出建議。

(4)理事會應於本條規定生效後 6 個月內，訂定金融穩定策略。

(5)理事會應於有關期間結束前，進行並完成金融穩定策略之檢討。

(6)有關期間為自前次檢討完成之日起算 3 年。但首次檢討時，為本行依第(4)項規定訂定該策略之日起算 3 年。

(7) The Bank must publish its financial stability strategy.
(8) If the financial stability strategy is revised, the Bank must publish the revised strategy.
(9) Publication under subsection (7) or (8) is to be in such manner as the Bank thinks fit.

Financial Policy Committee of the Bank

9B Financial Policy Committee

(1) There is to be a sub-committee of the court of directors of the Bank (the "Financial Policy Committee") consisting of –
(a) the Governor of the Bank,
(b) the Deputy Governors of the Bank,
(c) the Chief Executive of the FCA,
(d) one member appointed by the Governor of the Bank after consultation with the Chancellor of the Exchequer,
(e) 4 members appointed by the Chancellor of the Exchequer, and
(f) a representative of the Treasury.
(2) The member appointed under subsection (1)(d) is to be a person who has executive responsibility within the Bank for the analysis of threats to financial stability.
(3) Before appointing a person under subsection (1)(e), the Chancellor of the Exchequer must –
(a) be satisfied that the person has knowledge or experience which is likely to be relevant to the Committee's functions, and
(b) consider whether the person has any financial or other interests that could substantially affect the functions as member that it would be proper for the person to discharge.
(4) The Oversight Committee must keep the procedures followed by the Financial Policy Committee under review.
(5) Schedule 2A has effect with respect to the Financial Policy Committee.

9C Objectives of the Financial Policy Committee

(1) The Financial Policy Committee is to exercise its functions with a view to –
(a) contributing to the achievement by the Bank of the Financial Stability Objective, and
(b) subject to that, supporting the economic policy of Her Majesty's Government, including its objectives for growth and employment.

(7)本行應公布金融穩定策略。
(8)金融穩定策略修正時，本行應公布修正後之策略。
(9)第(7)項或第(8)項所定之公布，應以本行認為適當之方式為之。

本行金融政策委員會

第 9B 條　金融政策委員會

(1)理事會設一附屬委員會（金融政策委員會），其成員包括：
(a) 總裁；
(b) 全體副總裁；
(c) 金融督導局局長；
(d) 總裁洽商財政大臣後任命之委員 1 人；
(e) 財政大臣任命之委員 4 人；及
(f) 財政部代表 1 人。
(2)依第(1)項第(d)款規定任命之委員，應為對於威脅金融穩定分析事項具有執行權限之本行人員。
(3)財政大臣依第(1)項第(e)款規定任命人員前，應：
(a) 確認該名人員具有與委員會職權相關之專門學識或經驗；且
(b) 考量該名人員是否有嚴重影響適當行使委員職權之財務或其他利害關係。
(4)監督委員會應審查金融政策委員會之議事程序。
(5)附則 2A 關於金融政策委員會之規定，隨同本法生效。

第 9C 條　金融政策委員會之目標

(1)金融政策委員會應基於下列目的行使其職權：
(a) 達成本行金融穩定目標；以及
(b) 於前述目標範圍內，支持英國政府之經濟政策，包括經濟成長及充分就業之目標。

(2) The responsibility of the Committee in relation to the achievement by the Bank of the Financial Stability Objective relates primarily to the identification of, monitoring of, and taking of action to remove or reduce, systemic risks with a view to protecting and enhancing the resilience of the UK financial system.

(3) Those systemic risks include, in particular –

(a) systemic risks attributable to structural features of financial markets, such as connections between financial institutions,

(b) systemic risks attributable to the distribution of risk within the financial sector, and

(c) unsustainable levels of leverage, debt or credit growth.

(4) Subsections (1)(a) and (2) do not require or authorise the Committee to exercise its functions in a way that would in its opinion be likely to have a significant adverse effect on the capacity of the financial sector to contribute to the growth of the UK economy in the medium or long term.

(5) In this Part "systemic risk" means a risk to the stability of the UK financial system as a whole or of a significant part of that system.

(6) For the purposes of subsection (5) it is immaterial whether the risk arises in the United Kingdom or elsewhere.

(7) In subsection (3)(c) –

"credit growth" means the growth in lending by the financial sector to individuals in the United Kingdom and businesses carried on in the United Kingdom;

"debt" means debt owed to the financial sector by individuals in the United Kingdom and businesses carried on in the United Kingdom;

"leverage" means the leverage of the financial sector in the United Kingdom.

9D Specification of matters relevant to economic policy

(1) The Treasury may by notice in writing to the Financial Policy Committee specify for the purposes of section 9C (1)(b) what the economic policy of Her Majesty's Government is to be taken to be.

(2) The Treasury must specify under subsection (1) the matter mentioned there –

(a) before the end of the period of 30 days beginning with the day on which section 9C comes into force, and

(b) at least once in every calendar year following that in which the first notice under that subsection is given.

(3) Where the Treasury give notice under this section they must –

(a) publish the notice in such manner as they think fit, and

(2)委員會達成本行金融穩定目標之職責，主要係在辨識、監控系統風險，並採行除去或降低該風險之措施，以保護及強化英國金融系統之回復能力。

(3)具體而言，該等系統風險包括：

(a) 來自於金融市場結構因素之系統風險，例如金融機構間之關聯性；

(b) 來自於金融部門內風險分散之系統風險；以及

(c) 無法支撐之財務槓桿比率、負債或信用成長水準。

(4)第(1)項第(a)款及第(2)項規定並未要求或授權委員會，以對金融部門促進英國中長期經濟成長可能產生重大負面影響之方式，行使其職權。

(5)本章所稱之「系統風險」，係指危及英國整體或重大部分金融體系穩定之風險。

(6)第(5)項規範之目的，與該風險是否發生於英國境內或其他地區無關。

(7)第(3)項第(c)款之用詞定義如下：

「信用成長」係指金融部門對於英國境內之個人或企業貸放之成長。

「負債」係指英國境內之個人或企業對金融部門之負債。

「財務槓桿」係指英國金融部門之財務槓桿。

第 9D 條　經濟政策相關事項之說明

(1)為達成第 9C 條第(1)項第(b)款規定之目的，財政部得以書面通知金融政策委員會，詳述屬於英國政府經濟政策之事項。

(2)財政部為第(1)項之通知，應：

(a) 自第 9C 條規定生效之日起 30 日內為之；且

(b) 依前款規定為首次通知後，每年至少 1 次。

(3)財政部依本條規定為通知時，應：

(a) 以其認為適當之方式，公布該通知；並

(b) lay a copy of it before Parliament.

9E Recommendations by Treasury

(1) The Treasury may at any time by notice in writing to the Financial Policy Committee make recommendations to the Committee about –

(a) matters that the Committee should regard as relevant to the Committee's understanding of the Bank's Financial Stability Objective;

(b) the responsibility of the Committee in relation to the achievement of that objective;

(c) the responsibility of the Committee in relation to support for the economic policy of Her Majesty's Government, including its objectives for growth and employment;

(d) matters to which the Committee should have regard in exercising its functions.

(2) The Treasury must make recommendations under subsection (1)(a) or (b) ("recommendations about the objective") –

(a) before the end of the period of 30 days beginning with the day on which this section comes into force, and

(b) at least once in every calendar year following that in which the first recommendations about the objective are made.

(3) The Committee must respond to any recommendations made to it under subsection (1) by notifying the Treasury, in relation to each recommendation, of one or more of the following –

(a) action that the Committee has taken in accordance with the recommendation;

(b) if or to the extent that the recommendation does not relate to immediate action, the Committee's intention to act in accordance with it;

(c) whether or not the recommendation relates to immediate action, the Committee's reasons for not intending to act in accordance with it.

(4) Notification under subsection (3) must be given or confirmed in writing.

(5) The Treasury must –

(a) publish in such manner as they think fit any notice given under subsection (1) or notification received under subsection (3), and

(b) lay a copy of it before Parliament.

9F Other general duties

(1) In the exercise of its functions, other than its functions under section 9A (2) or (3), the Financial Policy Committee must have regard to the Bank's financial stability strategy.

(b)向國會提交該通知之副本。

第 9E 條　財政部之建議

(1)財政部得隨時就下列事項提出建議，並以書面通知金融政策委員會：

(a) 委員會應認定為與本行金融穩定目標有關之事項；

(b) 有關委員會達成前款目標之職責；

(c) 有關委員會支持英國政府經濟政策（包括經濟成長與充分就業目標）之職責；

(d) 委員會行使職權時應考量之事項。

(2)財政部提出第(1)項第(a)款或第(b)款之建議（有關目標之建議），應：

(a) 自第(1)項規定生效之日起 30 日內為之；並

(b) 自首次提出有關目標之建議後，每年至少提出 1 次。

(3)委員會應以下列方式，逐一回應第(1)項之建議，並通知財政部：

(a) 委員會依據該建議已採行之作為；

(b) 如該建議之全部或一部尚無須立即作為時，委員會依據該建議計畫採行之作為；

(c) 不論該建議是否須立即作為，委員會未依據該建議採取作為之理由。

(4)第(3)項之通知應以書面為之或確認。

(5)財政部應：

(a) 以其認為適當之方式，公布第(1)項或第(3)項之通知；並

(b) 向國會提交該通知之副本。

第 9F 條　其他一般職責

(1)除第 9A 條第(2)項或第(3)項之職權外，金融政策委員會行使其職權時，應考量本行之金融穩定策略。

(2) In working with the FCA or the PRA or exercising functions in relation to either of them, the Committee must, so far as it is possible to do so while complying with section 9C(1), seek to avoid exercising the Committee's functions in a way that would prejudice –

(a) the advancement by the FCA of any of its operational objectives, or

(b) the advancement by the PRA of any of its objectives.

(3) In the exercise of its functions, the Committee must also have regard to –

(a) the principle that a burden or restriction which is imposed on a person, or on the carrying on of an activity, should be proportionate to the benefits, considered in general terms, which are expected to result from the imposition of that burden or restriction;

(b) the contribution to the achievement by the Bank of the Financial Stability Objective that the Committee can make by disclosing its views about possible systemic risks or disclosing other information about possible systemic risks;

(c) the international obligations of the United Kingdom, particularly where relevant to the exercise of the powers of the Committee in relation to the FCA or the PRA.

9G Functions of the Financial Policy Committee

(1) The functions of the Financial Policy Committee are –

(a) monitoring the stability of the UK financial system with a view to identifying and assessing systemic risks;

(b) giving directions under section 9H;

(c) making recommendations under sections 9O to 9R;

(d) preparing financial stability reports under section 9W.

(2) The court of directors may, with the consent of the Treasury, arrange for specified functions of the Bank to be discharged by the Financial Policy Committee.

Directions by Financial Policy Committee

9H Directions to FCA or PRA requiring macro-prudential measures

(1) The Financial Policy Committee may give a direction to the FCA or the PRA ("the regulator") requiring the regulator to exercise its functions so as to ensure the implementation, by or in relation to a specified class of regulated persons, of a macro-prudential measure described in the direction.

(2)委員會與金融督導局或審慎監理局合作，或行使與此二機關有關之職權時，在儘可能遵循第 9C 條第(1)項規定之前提下，委員會應避免以可能損害下列事項之方式行使其職權：

(a) 金融督導局經營目標之增進；或

(b) 審慎監理局經營目標之增進。

(3)委員會行使其職權時，並應考量下列事項：

(a) 對個人或業務課予之負擔或限制，應與其預期達成之利益相當；

(b) 委員會揭露其有關可能發生系統風險之意見或有關可能發生系統風險之其他資訊，可達成本行之金融穩定目標；

(c) 英國之國際義務，特別是在委員會行使與金融督導局或審慎監理局有關之職權時。

第 9G 條　金融政策委員會之職權

(1)金融政策委員會之職權如下：

(a) 監控英國金融體系之穩定性，以辨識及評估系統風險；

(b) 依第 9H 條規定下達指示；

(c) 依第 9O 條至第 9R 條規定提出建議；

(d) 依第 9W 條規定擬具金融穩定報告。

(2)理事會得經財政部同意，將本行特定職權委由金融政策委員會行使。

金融政策委員會之指示

第 9H 條　要求金融督導局或審慎監理局採行總體審慎措施之指示

(1)金融政策委員會得對金融督導局或審慎監理局（以下合稱監管者）下達指示，要求監管者行使其職權，以確保得透過或針對特定類別之受監管者執行該指示所列之總體審慎措施。

(2)"Regulated person" means –

(a) in relation to the FCA –

(i) an authorised person within the meaning of FSMA 2000,

(ii) a recognised investment exchange within the meaning of that Act, or

(iii) an EEA market operator as defined by section 312D of that Act;

(b) in relation to the PRA, a PRA-authorised person within the meaning of that Act.

(3) "Macro-prudential measure" is to be read in accordance with section 9L.

(4) The direction may relate to all regulated persons or to regulated persons of a specified description, but may not relate to a specified regulated person.

(5) The direction –

(a) may refer to the opinion of the regulator or require or authorise the exercise of a discretion by the regulator;

(b) may be expressed to remain in force for a specified period or until revoked.

(6) The direction may not require its provisions to be implemented by specified means or within a specified period, but may include recommendations as to the means to be used and the timing of implementation.

(7) A recommendation made under subsection (6) may be expressed to be one to which section 9Q (3) (duty to comply or explain) applies.

(8) The direction may not require the regulator to do anything that it has no power to do, but the existence of the direction is relevant to the exercise of any discretion conferred on the regulator.

(9) The direction may specify particular matters to which the regulator is or is not to have regard in complying with the direction, but those matters must be specified in relation to all regulated persons or a class of regulated person rather than a specified regulated person.

(10) The direction may refer to a publication issued by the FCA, the PRA, another body in the United Kingdom or an international organisation, as the publication has effect from time to time.

9I Compliance with directions under section 9H

(1) The regulator must comply with a direction given to it under section 9H as soon as reasonably practicable.

(2)「受監管者」係指：

(a) 與金融督導局相關時，為：

(i) 2000 年金融服務及市場法所定義之取得許可者；

(ii) 前述法律所定義經核可之投資交易所；或

(iii) 前述法律第 312D 條所定義之歐洲經濟區市場經營者。

(b)與審慎監理局相關時，為前項法律所定義之經審慎監理局許可者。

(3)「總體審慎措施」應依第 9L 條之解釋。

(4)本條之指示得規範全部或特定類型之受監管者。但不得僅規範單一特定受監管者。

(5)本條之指示得：

(a)援引監管者之意見，或要求或授權監管者行使其裁量權；

(b)明定於特定期間內或未經撤銷前具有效力。

(6)本條之指示不得要求以特定方式或於特定期間內執行其規定。但得建議採行之方式及執行之時機。

(7)依第(6)項規定所為之建議，得明示其適用第 9Q 條第(3)項（遵循或解釋之職責）規定。

(8)本條之指示不得要求監管者採行其無權執行之措施。但得涉及與監管者行使裁量權有關之事項。

(9)本條之指示得具體明定監管者為遵循該指示應考量或無須考量之事項。但應針對全部或特定類型之受監管者，而非僅針對單一特定受監管者。

(10)本條之指示得援引金融督導局、審慎監理局、英國其他機關或國際組織所發行已具有經常性影響力之出版品。

第 9I 條　第 9H 條指示之遵循

(1)監管者應於合理期間內，儘速遵循第 9H 條之指示。

⑵ An order under section 9L may, in relation to cases where the regulator is complying with a direction under section 9H, exclude or modify any procedural requirement that would otherwise apply under FSMA 2000 in relation to the exercise by the regulator of its functions in pursuance of the direction.

⑶ The regulator to which a direction under section 9H is given must give the Financial Policy Committee one or more reports on how it is complying or has complied with the direction.

⑷ The Financial Policy Committee may give directions to the regulator specifying the times by which reports required by subsection ⑶ must be given to the Committee.

⑸ "Regulator" has the same meaning as in section 9H.

9J Revocation of directions under section 9H

⑴ The Financial Policy Committee may at any time by notice to the regulator revoke a direction under section 9H.

⑵ A direction under section 9H is to be taken to be revoked if the measure to which it relates ceases to be a macro-prudential measure, but this is subject to any provision made under section 9L ⑷(e).

⑶ The revocation of a direction under section 9H does not affect the validity of anything previously done in accordance with it.

⑷ "Regulator" has the same meaning as in section 9H.

9K Further provisions about directions under section 9H

⑴ Each of the following must be in writing –

(a) a direction under section 9H;

(b) a notice revoking such a direction;

(c) a report under section 9I ⑶.

⑵ The Financial Policy Committee must give the Treasury a copy of any direction under section 9H or any notice revoking such a direction.

⑶ The Treasury may, if they think fit, lay before Parliament a copy of a direction under section 9H or a notice revoking such a direction.

⑷ Where a direction under section 9H, or a notice revoking such a direction, is included in a record published under section 9U, the Treasury must, if they have not already done so, lay before Parliament a copy of the direction or notice in the form in which it is published in the record.

⑵監管者遵循第 9H 條之指示時，第 9L 條之命令得排除或修正有關監管者依該指示行使其職權所應適用之 2000 年金融服務及市場法程序規定。

⑶收受第 9H 條指示之監管者，應向金融政策委員會提出其將如何遵循或已遵循該指示情形之報告。

⑷金融政策委員會下達指示時，得指定監管者應依第⑶項規定提出報告之時限。

⑸「監管者」之定義與第 9H 條規定相同。

第 9J 條　第 9H 條指示之廢止

⑴金融政策委員會得隨時通知監管者，廢止第 9H 條之指示。

⑵第 9H 條之指示不再作為總體審慎措施時，應廢止該指示。但應符合第 9L 條第⑷項第(e)款規定。

⑶第 9H 條指示之廢止，不影響先前依該指示所為行為之效力。

⑷「監管者」之定義與第 9H 條規定相同。

第 9K 條　第 9H 條指示之其他規定

⑴下列事項應以書面為之：

(a) 第 9H 條之指示；

(b) 廢止前款指示之通知；

(c) 第 9I 條第⑶項之報告。

⑵金融政策委員會應向財政部提報第 9H 條之指示或廢止該指示之通知副本。

⑶財政部認為適當時，應向國會提交第 9H 條之指示或廢止該指示之通知副本。

⑷第 9H 條之指示或廢止該指示之通知已列入依第 9U 條規定公布之會議紀錄，如財政部尚未依前項規定辦理時，財政部應以會議紀錄公布之格式，向國會提交該指示或通知之副本。

9L Macro-prudential measures

(1) For the purposes of section 9H a "macro-prudential measure" is a measure prescribed by the Treasury by order.

(2) Before making an order under this section, the Treasury must –

(a) consult the Financial Policy Committee, or

(b) if the Treasury consider that the delay involved in consulting the Committee would be prejudicial to the stability of the UK financial system, consult the Governor of the Bank.

(3) In prescribing a measure, the order must specify whether the measure is prescribed in relation to the FCA, the PRA, or both.

(4) An order under this section –

(a) may make different provision for different cases;

(b) may confer a discretion on the Financial Policy Committee, the FCA or the PRA;

(c) may refer to rules made by the FCA or the PRA;

(d) may refer to a publication issued by the FCA, the PRA, another body in the United Kingdom or an international organisation, as the publication has effect from time to time;

(e) may contain transitional provisions and savings relating to the coming into force of any provision of the order or to the ceasing to be in force of any temporary provision made by the order.

9M Statements of policy by Financial Policy Committee

(1) In relation to each macro-prudential measure prescribed under section 9L, the Financial Policy Committee must prepare and maintain a written statement of the general policy that it proposes to follow in relation to the exercise of its power of direction under section 9H so far as it relates to that measure.

(2) The Committee may at any time alter or replace a statement maintained under this section.

(3) The Bank must publish each statement maintained under this section.

(4) Publication is to be in such manner as the Bank thinks fit.

(5) Nothing in this section is to be regarded as preventing the Financial Policy Committee from exercising its power of direction under section 9H in relation to a macro-prudential measure, where it considers it necessary to do so by reason of urgency, before it has prepared a statement under this section in relation to that measure.

第 9L 條　總體審慎措施

(1)第 9H 條之「總體審慎措施」，係指財政部以命令規範之措施。

(2)財政部依本條規定發布命令前，應：

(a) 洽商金融政策委員會；或

(b) 如財政部認為洽商金融政策委員會所延誤之時間，將危害英國金融體系之穩定時，應洽商本行總裁。

(3)規範總體審慎措施之命令，應詳細說明該措施與金融督導局或審慎監理局之關連性。

(4)本條之命令得：

(a) 對不同情形作不同規範；

(b) 授權金融政策委員會、金融督導局或審慎監理局行使其裁量權；

(c) 援引金融督導局或審慎監理局之規定；

(d) 援引金融督導局、審慎監理局、英國其他機關或國際組織所發行已具有經常性影響力之出版品；

(e) 包括過渡條款，以及本命令將生效之條款或本命令將使其失效之暫時條款得節省之費用。

第 9M 條　金融政策委員會之政策聲明

(1)金融政策委員會應就第 9L 條所定之總體審慎措施，擬具並維護書面之聲明；該聲明係關於委員會依第 9H 條規定行使該措施之指示權時，將遵循之一般政策。

(2)理事會得隨時修改或更換本條之聲明。

(3)本行應公布本條之聲明。

(4)聲明之公布，應以本行認為適當之方式為之。

(5)金融政策委員會依本條規定擬具有關總體審慎措施之聲明前，如因緊急情形認為需依第 9H 條規定行使該措施之指示權，其權限不因本條規定而受限制。

9N Parliamentary control of orders under section 9L

(1) Except as provided by subsection (2), an order under section 9L is not to be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

(2) An order under section 9L may be made without a draft having been laid and approved as mentioned in subsection (1) if the order contains a statement that the Treasury are of the opinion that, by reason of urgency, it is necessary to make the order without a draft being so laid and approved.

(3) An order under section 9L made in accordance with subsection (2) –

(a) must be laid before Parliament after being made, and

(b) ceases to have effect at the end of the relevant period unless before the end of that period the order is approved by a resolution of each House of Parliament (but without affecting anything done under the order or the power to make a new order).

(4) The "relevant period" is a period of 28 days beginning with the day on which the order is made.

(5) In reckoning the relevant period no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than 4 days.

Recommendations by Financial Policy Committee

9O Making of recommendations within the Bank

(1) The Financial Policy Committee may make recommendations within the Bank.

(2) The recommendations may, in particular, relate to –

(a) the provision by the Bank of financial assistance to financial institutions;

(b) the exercise by the Bank of its functions in relation to payment systems, settlement systems and clearing houses.

(3) The Committee may not make recommendations about –

(a) the provision by the Bank of financial assistance in relation to a particular financial institution, or

(b) the exercise by the Bank of its powers under Parts 1 to 3 of the Banking Act 2009 in relation to a particular institution.

(4) The recommendations must be made or confirmed in writing.

9P Recommendations to Treasury

(1) The Financial Policy Committee may make recommendations to the Treasury.

第 9N 條　國會對第 9L 條命令之控制權

(1)除第(2)項所定之情形外，第 9L 條之命令應於其草案提交國會並經上下議院決議通過後，始得發布。

(2)第 9L 條之命令，如附有財政部因緊急情形認有必要不經國會決議通過即須發布該命令之聲明者，該命令無須依第(1)項規定提交國會決議通過，即得發布。

(3)依第(2)項規定發布第 9L 條之命令時，應：

(a) 於發布後提交國會；且

(b) 未於有關期間屆滿前經上下議院決議追認者，失其效力。（但不影響依該命令所為之行為或發布新命令之權限。）

(4)前項所稱之「有關期間」，係指命令發布之日起算 28 日。

(5)有關期間之計算，不計入國會解散、休會，或上下議院暫時休會超過 4 日之期間。

金融政策委員會之建議

第 9O 條　關於本行之建議

(1)金融政策委員會得提出對於本行之建議。

(2)具體而言，前項建議得涉及下列事項：

(a) 本行對金融機構提供財務協助之規定；

(b) 本行行使有關支付系統、清算系統及結算機構之職權。

(3)委員會不得對下列事項提出建議：

(a) 本行對特定金融機構提供財務協助之規定；或

(b) 本行依 2009 年銀行法第 1 章至第 3 章規定對特定機構行使之權限。

(4)本條之建議應以書面為之或確認。

第 9P 條　對財政部之建議

(1)金融政策委員會得對財政部提出建議。

⑵ The recommendations may, in particular, relate to the exercise by the Treasury of their power to make orders under –

(a) section 9L (macro-prudential measures),

(b) section 22 ⑴ or (1A) of FSMA 2000 (regulated activities),

(c) section 22A ⑴ of that Act (designation of activities requiring prudential regulation by PRA),

(d) section 137D ⑴(b) of that Act (purposes for which FCA may makeproduct intervention rules), or

(e) section 165A ⑵(d) of that Act (additional persons who may be required by PRA to provide information).

⑶ The recommendations must be made or confirmed in writing.

⑷ The Committee may make a recommendation under subsection ⑵(e) only if it considers that the exercise by the Treasury of their power to make an order under section 165A ⑵(d) of FSMA 2000 in the manner proposed is desirable for the purposes of the exercise by the Committee of its functions.

⑸ Before giving a recommendation under subsection ⑵(e), the Committee must consult the Treasury.

9Q Recommendations to FCA and PRA

⑴ The Financial Policy Committee may make recommendations to the FCA and the PRA about the exercise of their respective functions.

⑵ The recommendations may relate to all regulated persons or to regulated persons of a specified description, but may not relate to the exercise of the functions of the FCA or the PRA in relation to a specified regulated person.

⑶ If the recommendations are expressed to be recommendations to which this subsection applies, the body to which they are made must as soon as reasonably practicable –

(a) act in accordance with the recommendations, or

(b) if to any extent it does not, notify the Committee of the extent to which it has not acted in accordance with the recommendations and of the reasons for its decision.

⑵具體而言，前項建議得涉及財政部依下列規定發布命令之權限：

(a) 第 9L 條（總體審慎措施）；

(b) 2000 年金融服務及市場法第 22 條第⑴項或第(1A)項（受監管之業務）；

(c) 前述法律第 22A 條第⑴項（審慎監理局指定應受審慎規範之業務）；

(d) 前述法律第 137D 條第⑴項第(b)款（金融督導局訂定商品干預規則之目的）；或

(e) 前述法律第 165A 條第⑵項第(d)款（審慎監理局得要求其他人提供資料）。

⑶本條之建議應以書面為之或確認。

⑷委員會僅得於其認為財政部依 2000 年金融服務及市場法第 165A 條第⑵項第(d)款規定行使發布命令權限之方式，符合委員會行使其職權之目的時，始得依第⑵項(e)款規定提出建議。

⑸委員會依第⑵項第(e)款規定提出建議前，應先洽商財政部。

第 9Q 條　對金融督導局及審慎監理局之建議

⑴金融政策委員會得對金融督導局及審慎監理局，就其相關職權之行使提出建議。

⑵前項建議得涉及全部或特定類型之受監管者。但不得僅涉及金融督導局或審慎監理局對單一特定受監管者職權之行使。

⑶建議已表明適用本項規定時，受建議者應於合理期間內，儘速：

(a) 依據該建議採行相關作為；或

(b) 未依據該建議採行相關作為時，應通知委員會未遵循之程度及其理由。

(4) The recommendations, and any notification under subsection (3)(b), must be made or confirmed in writing.
(5) "Regulated person" has the same meaning as in section 9H.

9R Recommendations to other persons

(1) The Financial Policy Committee may make recommendations to persons other than those mentioned in sections 9O to 9Q.
(2) The recommendations must be made or confirmed in writing.

Explanation

9S Duty to prepare explanation

(1) In connection with the exercise of any of the specified powers, the Financial Policy Committee must prepare an explanation of –
  (a) the reasons for the Committee's decision to exercise the power, in the way in which it is being exercised, and
  (b) the Committee's reasons for believing that the exercise of the power, in the way in which it is being exercised, is compatible with the duties of the Committee under the following provisions –
    (i) section 9C (1)(as read with section 9C (4)), and
    (ii) section 9F.
(2) The specified powers are –
  (a) the power to give a direction under section 9H;
  (b) the power to make recommendations under section 9O, so far as relating to the exercise of the Bank's functions in relation to payment systems, settlement systems and clearing houses;
  (c) the power to make recommendations under section 9P, so far as relating to the exercise by the Treasury of their power to make orders under any of the provisions mentioned in subsection (2) of that section;
  (d) the power to make recommendations under section 9Q.
(3) The explanation required by subsection (1) in relation to the duty in section 9F (3)(a) must include an estimate of the costs and an estimate of the benefits that would arise from compliance with the direction or recommendation in question, unless in the opinion of the Committee it is not reasonably practicable to include such an estimate.

(4)本條之建議及第(3)項第(b)款之通知，應以書面為之或確認。
(5)「受監管者」之定義與第 9H 條規定相同。

第 9R 條　對其他人之建議

(1)金融政策委員會得對第 9O 條至第 9Q 條所規定者以外之人提出建議。
(2)前項建議應以書面為之或確認。

解釋

第 9S 條　擬具說明之職責

(1)金融政策委員會行使其特定權限時，應對下列事項擬具說明：
  (a) 委員會決定行使該權限之理由與行使之方式；以及
  (b) 委員會認定該權限之行使與行使之方式，符合下列規定所賦予委員會職責之理由：
    (i) 第 9C 條第(1)項（亦應考量第 9C 條第(4)項）；及
    (ii) 第 9F 條。
(2)前項所稱之特定權限，包括下列權限：
  (a) 依第 9H 條規定下達指示；
  (b) 依第 9O 條規定，就本行行使有關支付系統、清算系統及結算機構之職權提出建議；
  (c) 依第 9P 條規定，就財政部依第 9P 條第(2)項各款規定行使發布命令之權限提出建議；
  (d) 依第 9Q 條規定提出建議。
(3)依第(1)項規定擬具符合第 9F 條第(3)項第(a)款規定之說明時，該說明應包括遵循前述指示或建議可能產生之預估成本與利益。但委員會認為計入前述預估值不可行時，不在此限。

Review

9T Duty to review directions and recommendations

⑴ The Financial Policy Committee must –

(a) before the end of each review period, review each direction given by it under section 9H, other than a direction revoked before the end of the review period, and

(b) prepare a summary of its conclusions.

⑵ A review period is –

(a) in relation to the first review, the period of 12 months beginning with the day on which the direction was given, and

(b) in relation to subsequent reviews, the period of 12 months beginning with the day on which the previous review was completed.

⑶ The Financial Policy Committee must maintain arrangements for the review at regular intervals of any recommendations that it has made under any of sections 9O to 9R and are of continuing relevance.

⑷ The purpose of a review is –

(a) in the case of a direction, to consider whether the direction ought to be revoked, and

(b) in the case of a recommendation, to consider whether the recommendation ought to be withdrawn.

Publication of record of meetings

9U Publication of record of meetings

⑴ The Bank must publish a record of each meeting of the Financial Policy Committee before the end of the period of 6 weeks beginning with the day of the meeting.

⑵ The record must specify any decisions taken at the meeting (including decisions to take no action) and must set out, in relation to each decision, a summary of the Committee's deliberations.

⑶ The decisions referred to in subsection ⑵ include in particular a decision –

(a) to give or revoke a direction under section 9H;

(b) to make recommendations under any of sections 9O to 9R.

⑷ Where a decision has been made to give or revoke a direction under section 9H, the record must include the text of the direction or of the notice of revocation.

檢討

第 9T 條　檢討指示與建議之職責

⑴金融政策委員會應：

(a) 於每一檢討期間結束前，檢討其依第 9H 條規定下達之指示。但該指示於檢討期間結束前經廢止者，不在此限；以及

(b) 擬具其結論摘要。

⑵前項之檢討期間如下：

(a) 首次檢討：自下達指示之日起 12 個月內；以及

(b) 後續檢討：自前次檢討完成之日起 12 個月內。

⑶金融政策委員會應安排定期檢討其依第 9O 條至第 9R 條規定所提供且具持續關連性之建議。

⑷檢討之目的如下：

(a) 就指示而言，係為考量該指示應否廢止；以及

(b) 就建議而言，係為考量該建議應否撤回。

會議紀錄之公布

第 9U 條　會議紀錄之公布

⑴本行應自金融政策委員會每次會議結束之日起 6 週內，公布該次會議紀錄。

⑵前項紀錄應詳細說明該次會議所作成之決議（包括不作為之決議），以及委員會就各項決議討論過程之摘要。

⑶第⑵項規定所稱之決議，尤應包括：

(a) 依第 9H 條規定下達或廢止指示之決議；

(b) 依第 9O 條至第 9R 條規定提出建議之決議。

⑷作成下達或廢止第 9H 條規定指示之決議時，前述紀錄應包括該指示內容或廢止通知之全文。

(5) Where a decision has been made to make recommendations under any of sections 9O to 9R, the record must include the recommendations.

(6) Where since the previous meeting the Committee has received a notification under section 9Q (3)(b), the record must include the notification.

(7) The information required by subsections (1) and (2) does not include information identifying particular members of the Committee.

(8) Subsections (1) to (6) do not require the publication of –

(a) information about any recommendations made under 9O (2)(a);

(b) information whose publication within the time required by subsection (1) would in the opinion of the Committee be against the public interest;

(c) information about any decision under paragraph (b);

(d) information about a decision to give a direction under section 9H which has been revoked before the record of the meeting at which it was given is published;

(e) information about the decision to revoke a direction where information about the direction is withheld under paragraph (d).

(9) Publication under this section or section 9V is to be in such manner as the Bank thinks fit.

9V Deferred publication

(1) Where the Financial Policy Committee decides under subsection (8)(b) of section 9U that publication of information within the time required by subsection (1) of that section would be against the public interest –

(a) it must consider whether to fix a date as the earliest date on which the information may be published, and

(b) if it does not fix a date, it must keep under consideration the question whether publication of the information would still be against the public interest.

(2) The Committee must from time to time determine the procedures that it will follow in complying with the duty in subsection (1)(b).

(3) Where the Committee –

(a) fixes a date under subsection (1)(a) as the earliest date on which any information may be published, or

(5)作成依第 9O 條至第 9R 條規定提出建議之決議時，前述紀錄應包括該建議。

(6)委員會於前次會議收到第 9Q 條第(3)項第(b)款之通知時，前述紀錄應包括該通知。

(7)依第(1)項及第(2)項規定公開之資訊，不包括可識別委員會個別委員之資訊。

(8)第(1)項至第(6)項規定應公開之資訊，不包括下列資訊：

(a) 依第 9O 條第(2)項第(a)款規定提出建議之資訊；

(b) 委員會認為依第(1)項規定所定期限公開，將違反公共利益之資訊；

(c) 依第(b)款規定作成決議之資訊；

(d) 依第 9H 條規定下達之指示於會議紀錄公布前已被廢止時，與作成下達該指示之決議有關之資訊；

(e) 前述指示之相關資訊依第(d)款規定不予公開時，與作成廢止該指示之決議有關之資訊。

(9)本條或第 9V 條所定之公開，應以本行認為適當之方式為之。

第 9V條　延期公布

(1)金融政策委員會依第 9U 條第(8)項第(b)款規定作成決議，認為依該條第(1)項所定期限公開資訊，將違反公共利益時：

(a) 應考量是否明定該資訊得公開之最早日期；以及

(b) 未明定日期時，應持續考量公開該資訊是否仍然違反公共利益。

(2)委員會應訂定其為達成第(1)項第(b)款之職責所應遵循之程序。

(3)委員會為下列決議時，本行應於下次依第 9U 條第(1)項規定公布會議紀錄時公開資訊：

(a) 依第(1)項第(a)款規定明定資訊得公開之最早日期；或

(b) decides under subsection (1)(b) that publication of any information is no longer against the public interest,

the Bank must publish the information at the time when it next publishes under section 9U (1) the record of a meeting of the Committee.

Financial stability reports by Financial Policy Committee

9W Financial stability reports by Financial Policy Committee

(1) The Financial Policy Committee must prepare and publish reports relating to financial stability ("financial stability reports").

(2) Two financial stability reports must be published in each calendar year.

(3) A financial stability report must include –

(a) the Committee's view of the stability of the UK financial system at the time when the report is prepared,

(b) an assessment of the developments that have influenced the current position,

(c) an assessment of the strengths and weaknesses of the UK financial system,

(d) an assessment of risks to the stability of the UK financial system, and

(e) the Committee's view of the outlook for the stability of the UK financial system.

(4) A financial stability report must also include –

(a) a summary of the activities of the Committee in the reporting period, and

(b) an assessment of the extent to which the exercise by the Committee of its functions (both during the reporting period and previously) has succeeded during the reporting period in achieving the objectives set out in section 9C (1)(a) and (b).

(5) If during the reporting period the Committee has made any decision in relation to which section 9S requires the preparation of an explanation, the financial stability report must include the required explanation.

(6) If during the reporting period the Committee has completed the review of a direction or recommendation, the financial stability report must include a summary of the review.

(7) The reporting period is the period since the date of the previous financial stability report, except that in the case of the first financial stability report it is the period since the time when this section came fully into force.

(8) Nothing in subsections (3) to (6) is to be regarded as requiring the Committee to include in a financial stability report any information whose publication would in the Committee's opinion be against the public interest.

(9) The Committee must give a copy of each financial stability report to the Treasury.

(b) 依第(1)項第(b)款規定決議公開資訊不再違反公共利益。

金融政策委員會之金融穩定報告

第 9W 條　金融政策委員會之金融穩定報告

(1)金融政策委員會應擬具並發布關於金融穩定之報告（以下簡稱金融穩定報告）。

(2)每年應發布 2 次金融穩定報告。

(3)金融穩定報告應包括下列事項：

(a) 委員會於擬具報告當時，對英國金融體系穩定之看法；

(b) 對影響當前形勢發展之評估；

(c) 對英國金融體系優勢與弱點之評估；

(d) 對影響英國金融體系風險之評估；以及

(e) 委員會對英國金融體系穩定前景之看法。

(4)金融穩定報告亦應包括下列事項：

(a) 委員會於報告期間之業務摘要；以及

(b) 對委員會（於報告期間及該期間之前）行使其職權，於報告期間達成第 9C 條第(1)項第(a)款及第(b)款目標程度之評估。

(5)委員會於報告期間作成應依第 9S 條規定擬具說明之決議時，金融穩定報告應包括該說明。

(6)委員會於報告期間完成對指示或建議之檢討時，金融穩定報告應包括該檢討之摘要。

(7)報告期間自前次金融穩定報告之日起算。但首次金融穩定報告之報告期間，自本條規定生效之日起算。

(8)不得以第(3)項至第(6)項規定，要求委員會將其認為公開將違反公共利益之資訊，納入金融穩定報告。

(9)委員會應向財政部提報金融穩定報告之副本。

(10) The Treasury must lay before Parliament a copy of each financial stability report.
(11) Publication of a financial stability report is to be in such manner as the Bank thinks fit.

Meetings between Governor and Chancellor of the Exchequer

9X Meetings between Governor and Chancellor of the Exchequer

(1) As soon as reasonably practicable after the publication by the Financial Policy Committee of a financial stability report, the Governor of the Bank and the Chancellor of the Exchequer must meet to discuss the report and any other matters relating to the stability of the UK financial system that they consider it appropriate to discuss.
(2) The Treasury must publish a record of each meeting required by subsection (1) before the end of the period of 6 weeks beginning with the day of the meeting.
(3) Publication under subsection (2) is to be in such manner as the Treasury think fit.
(4) Subsection (2) does not require the publication of information whose publication within the time required by that subsection would in the opinion of the Treasury be against the public interest.
(5) Before publishing the record of a meeting required by subsection (1), or deciding under subsection (4) not to publish such a record, the Treasury must consult the Bank about the record and its publication.

Power of Bank to require FCA or PRA to provide information

9Y Directions requiring information or documents

(1) The Bank may exercise the powers conferred by this section where it considers that information or documents are reasonably required in connection with the exercise by the Bank of its functions in pursuance of the Financial Stability Objective.
(2) The Bank may give a direction to the FCA or the PRA ("the regulator") requiring the regulator –
  (a) to provide the Bank with specified information or information of a specified description, or
  (b) to produce to the Bank specified documents or documents of a specified description.
(3) The direction may relate to information or documents which are held by persons other than the regulator and which the regulator has power to obtain or whose production the regulator has power to require.

(10)財政部應向國會提交金融穩定報告之副本。
(11)金融穩定報告之公布，應以本行認為適當之方式為之。

本行總裁與財政大臣之會議

第 9X 條　本行總裁與財政大臣之會議

(1)本行總裁與財政大臣於金融政策委員會公布金融穩定報告後，應於合理期間內，儘速開會商討報告內容，以及二人認為適合商討之其他有關英國金融系統穩定事項。
(2)財政部應自第(1)項會議結束之日起 6 週內，公布該次會議紀錄。
(3)第(2)項所定之公布，應以財政部認為適當之方式為之。
(4)第(2)項規定應公開之資訊，不包括財政部認為於該項規定之期限內公開將違反公共利益之資訊。
(5)財政部依第(1)項規定公布會議紀錄或依第(4)項規定決定不公布該紀錄前，應洽商本行關於該紀錄及其公布之意見。

要求金融督導局或審慎監理局提供資訊之權限

第 9Y 條　要求資訊或文件之指示

(1)本行認為資訊或文件係為行使金融穩定目標之職權所必要時，得行使本條所賦予之權限。
(2)本行得對金融督導局或審慎監理局（以下合稱監管者）下達指示，要求其：
  (a)提供本行特定資訊或特定類型之資訊；或
  (b)為本行製作特定文件或特定類型之文件。
(3)前述指示得涉及非監管者所持有，但監管者有權取得或要求出具之資訊或文件。

(4) Any information or documents to which the direction relates are –

(a) where the information or documents are held by a person in relation to whom the powers conferred by subsections (1) and (3) of section 165 of FSMA 2000 are exercisable, to be taken to be information or documents to which that section applies by virtue of subsection (4) of that section, and

(b) where they are held by a person to whom section 165A of FSMA 2000 applies and the direction is given to the PRA, to be taken to be information or documents to which that section applies by virtue of subsection (3) of that section.

(5) The information or documents must be provided or produced before the end of such period as may be specified.

(6) The Bank may require any information provided under this section to be provided in such form as it may require.

(7) The Bank may require –

(a) any information provided, whether in a document or otherwise, to be verified in such manner as it may require;

(b) any document produced to be authenticated in such manner as it may require.

9Z Further provisions about directions under section 9Y

(1) In the exercise of its functions under section 9Y, the Bank must have regard to the principle that a burden or restriction which is imposed on a person, or on the carrying on of an activity, should be proportionate to the benefits, considered in general terms, which are expected to result from the imposition of that burden or restriction.

(2) Before giving a direction under section 9Y to the FCA or the PRA ("the regulator"), the Bank must consult the regulator.

(3) A direction under section 9Y must be in writing, and may be revoked by a notice in writing.

(4) As soon as practicable after giving a direction under section 9Y, the Bank must publish the direction in such manner as it thinks appropriate for bringing the direction to the attention of persons (other than the regulator to which it is given) who may be affected by it.

(5) Subsection (4) does not require the publication of information whose publication at the time required by that subsection would in the opinion of the Bank be against the public interest.

(6) Where the Bank decides under subsection (5) that publication of any information would be against the public interest, it must from time to time review that decision and if it subsequently decides that publication is no longer against the public interest it must comply with subsection (4).

(4)前述指示所涉及之資訊或文件如下：

(a) 與該資訊或文件之持有者有關之 2000 年金融服務及市場法第 165 條第(1)項及第(3)項所賦予權限可行使時，適用該條第(4)項規定之資訊或文件；以及

(b) 該資訊或文件之持有者適用 2000 年金融服務及市場法第 165A 條規定，且該指示係對審慎監理局下達時，適用該條第(3)項規定之資訊或文件。

(5)前述資訊或文件應於所定期間屆滿前提供或製作。

(6)本行得要求依所定格式提供本條之資訊。

(7)本行得要求：

(a) 以書面或其他形式提供之資訊，應依本行要求之方式認證；

(b) 製作之文件應依本行要求之方式鑑定。

第 9Z 條　第 9Y 條指示之其他規定

(1)本行行使第 9Y 條之職權時，應考量對提供資訊之個體或其業務所課以之負擔或限制，需與其預期達成之利益相當。

(2)本行對金融督導局或審慎監理局（以下合稱監管者）下達第 9Y 條之指示前，應先洽商監管者。

(3)第 9Y 條之指示應以書面為之，並得以書面通知予以廢止。

(4)本行下達第 9Y 條之指示後，應儘速以其認為能周知（除經下達之監管者以外之）利害關係人之適當方式，公布該指示。

(5)第(4)項規定應公開之資訊，不包括本行認為於所定時點公開該資訊將違反公共利益者。

(6)本行依第(5)項規定認定公開資訊將違反公共利益時，應不定期檢討該決定，並於其認定公開該資訊不違反公共利益時，依第(4)項規定予以公開。

Supplementary

9ZA Interpretation of Part 1A

In this Part –

"the FCA" means the Financial Conduct Authority;

"financial assistance" has the meaning given by section 257 (1) of the Banking Act 2009;

"the Financial Policy Committee" means the Financial Policy Committee of the Bank of England;

"the financial sector" means financial institutions generally;

"FSMA 2000" means the Financial Services and Markets Act 2000;

"the PRA" means the Prudential Regulation Authority;

"systemic risk" has the meaning given by section 9C (5);

"the UK economy" means the economy of the United Kingdom;

"the UK financial system" means the financial system of the United Kingdom."]

Part 1A introduced by section 4 (1) of the Financial Services Act 2012, which came into force on 24 January 2013 (for the purposes of making Orders and Regulations pursuant to sections 9I (2), 9L and 9N of the 1998 Act and for the purposes of inserting section 9ZA of the 1998 Act), on 19 February 2013 (for the purposes of making appointments pursuant to section 9B of the 1998 Act) and on 1 April 2013 for all other purposes.

PART II
MONETARY POLICY

Role of the Bank

10 Operational responsibility

In section 4(l) of the Bank of England Act 1946 (power of the Treasury to give directions to the Bank), at the end there is inserted ", except in relation to monetary policy" .

11 Objectives

In relation to monetary policy, the objectives of the Bank of England shall be –

補充條款

第 9ZA 條　第 1A 章之解釋

本章之用詞定義如下：

「the FCA」係指金融督導局；

「財務協助」之定義依 2009 年銀行法第 257 條第(1)項規定；

「金融政策委員會」係指本行金融政策委員會；

「金融部門」係泛指金融機構；

「FSMA 2000」係指 2000 年金融服務及市場法；

「the PRA」係指審慎監理局；

「系統風險」之定義依第 9C 條第(5)項規定；

「the UK 經濟」係指英國之經濟；

「the UK 金融體系」係指英國之金融體系。]

第 1A 章係依 2012 年金融服務法第 4 條第(1)項規定新增，（其中關於依本法第 9I 條第(2)項、第 9L 條與第 9N 條規定發布命令之規定，以及新增之第 9ZA 條規定）自 2013 年 1 月 24 日生效，（依本法第 9B 條規定為任命之規定）自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

第 2 章　貨幣政策

本行角色

第 10 條　業務責任

1946 年英格蘭銀行法第 4 條第(1)項規定（財政部對本行下達指示之權限）末段，增列「但貨幣政策除外」等字。

第 11 條　經營目標

本行貨幣政策目標為：

(a) to maintain price stability, and

(b) subject to that, to support the economic policy of Her Majesty's Government, including its objectives for growth and employment.

12 Specifications of matters relevant to objectives

(1) The Treasury may by notice in writing to the Bank specify for the purposes of section 11 –

(a) what price stability is to be taken to consist of, or

(b) what the economic policy of Her Majesty's Government is to be taken to be.

(2) The Treasury shall specify under subsection (1) both of the matters mentioned there –

(a) before the end of the period of 7 days beginning with the day on which this Act comes into force, and

(b) at least once in every period of 12 months beginning on the anniversary of the day on which this Act comes into force.

(3) Where the Treasury give notice under this section they shall –

(a) publish the notice in such manner as they think fit, and

(b) lay a copy of it before Parliament.

Monetary Policy Committee of the Bank

13 Monetary Policy Committee

(1) There shall be a committee of the Bank, to be known as the Monetary Policy Committee of the Bank of England, which shall have responsibility within the Bank for formulating monetary policy.

(2) The Committee shall consist of –

[(a) the Governor of the Bank,

(aa) the Deputy Governor for financial stability,

(ab) the Deputy Governor for monetary policy,]

New section 13 (2)(a) introduced by section 1 (2) of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

(b) 2 members appointed by the Governor of the Bank after consultation with the Chancellor of the Exchequer, and

(c) 4 members appointed by the Chancellor of the Exchequer.

(a) 維持物價穩定；以及

(b) 於前述目標範圍內，支持英國政府之經濟政策，包括經濟成長及充分就業之目標。

第 12 條　與經營目標有關之事項

(1)為達成第 11 條規定目的，財政部得明定下列事項，並以書面通知本行：

(a) 構成物價穩定之事項；或

(b) 屬於英國政府經濟政策之事項。

(2)財政部為第(1)項之通知，應：

(a) 自本法生效之日起 7 日內為之；並

(b) 自本法生效週年之日起，每 12 個月至少 1 次。

(3)財政部依本條規定為通知時，應：

(a) 以其認為適當之方式，公布該通知；並

(b) 向國會提交該通知之副本。

貨幣政策委員會

第 13 條　貨幣政策委員會

(1)本行設貨幣政策委員會，負責本行貨幣政策之制定。

(2)委員會之成員包括：

[(a)總裁；

(aa)負責金融穩定之副總裁；

(ab)負責貨幣政策之副總裁；]

第 13 條第(2)項第(a)款新規定係依 2012 年金融服務法第 1 條第(2)項規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

(b)總裁洽商財政大臣後任命之委員 2 人；及

(c)財政大臣任命之委員 4 人。

(3) Of the 2 members appointed under subsection (2)(b) –

(a) one shall be a person who has executive responsibility within the Bank for monetary policy analysis, and

(b) the other shall be a person who has executive responsibility within the Bank for monetary policy operations.

(4) The Chancellor of the Exchequer shall only appoint a person under subsection (2)(c) if he is satisfied that the person has knowledge or experience which is likely to be relevant to the Committee's functions.

(5) Schedule 3 shall have effect with respect to the Committee.

14 Publication of statements about decisions

(1) As soon as practicable after each meeting of the Monetary Policy Committee, the Bank shall publish a statement as to whether it was decided at the meeting that the Bank should take any action, other than action by way of intervening in financial markets, for the purpose of meeting its objectives under section 11 and, if it was, what the action is.

(2) If, at any meeting, the Committee decides that the Bank should intervene in financial markets, it shall also consider at the meeting whether immediate publication of the decision would be likely to impede or frustrate the achievement of the intervention's purpose.

(3) If the Committee decides under subsection (2) that immediate publication of a decision would not have the effect mentioned there, the Bank shall, when it publishes a statement under subsection (1) about the meeting, publish a statement as to what action by way of intervening in financial markets the Committee has decided the Bank should take.

(4) If the Committee decides under subsection (2) that immediate publication of a decision would have the effect mentioned there, it shall keep under consideration the question of whether publication of the decision would still have that effect.

(5) As soon as practicable after the Committee has decided that publication of a decision which has not been the subject of a statement under subsection (3) would no longer have the effect mentioned in subsection (2), the Bank shall publish a statement as to what action by way of intervening in financial markets the Committee decided the Bank should take and when the decision was made.

(6) Publication under this section shall be in such manner as the Bank thinks fit.

15 Publication of minutes of meetings

(1) After each meeting of the Monetary Policy Committee, the Bank shall publish minutes of the meeting before the end of the period of 6 weeks beginning with the day of the meeting.

(3)依第(2)項第(b)款規定任命之委員 2 人：

(a)其中 1 人應為對於貨幣政策分析事項具有執行權限之本行人員；且

(b)另 1 人應為對於貨幣政策操作事項具有執行權限之本行人員。

(4)財政大臣依第(2)項第(c)款任命之委員，僅得就具有與委員會職權相關之專門學識或經驗者任命之。

(5)附則 3 有關委員會之規定，隨同本法生效。

第 14 條　關於決議說明之公布

(1)本行應於貨幣政策委員會每次會議後，儘速公布說明委員會為達成第 11 條所定目標是否決議採行措施，以及採行何種措施。但與干預金融市場有關之決議，不在此限。

(2)委員會作成本行應干預金融市場之決議時，應一併考量立即公布該決議是否會阻擾或妨礙其干預目的之達成。

(3)委員會依第(2)項規定認定立即公布決議不致有前述影響者，本行應於依第(1)項規定公布說明時，一併公布說明委員會決議本行應採行之金融市場干預措施。

(4)委員會依第(2)項規定認定立即公布決議將有前述影響時，應持續考量公布該決議是否仍有前述影響。

(5)委員會認定原不符第(3)項規定之決議，已不致有第(2)項規定所列之影響而予以公布時，本行應儘速公布說明委員會決議本行應採行之干預金融市場措施，以及該決議作成之時點。

(6)本條所定之公布，應以本行認為適當之方式為之。

第 15 條　會議紀錄之公布

(1)本行應自貨幣政策委員會每次會議結束之日起 6 週內，公布該次會議紀錄。

(2) Subsection (1) shall not apply to minutes of any proceedings relating to –

(a) a decision to intervene in financial markets, or

(b) a decision about the publication of a decision to intervene in financial markets, unless the Committee has decided that publication of the decision to intervene would not be likely, or would no longer be likely, to impede or frustrate the achievement of the intervention's purpose.

(3) Minutes of proceedings relating to –

(a) a decision to intervene in financial markets, or

(b) a decision about the publication of a decision to intervene in financial markets, shall, if not required to be published before the end of the period of 6 weeks beginning with the day of the meeting be published by the Bank before the end of the period of 6 weeks beginning with the day on which a statement about the decision to intervene is published under section 14 (5).

(4) Minutes published under this section shall record, in relation to any decision of the Committee, the voting preference of the members who took part in the vote on the decision.

[(4A) The Bank shall exclude from minutes published under this section information which relates to proceedings of the Financial Policy Committee if the Bank considers that publication of that information would be against the public interest.]

New section 15(4A) introduced by section 4 (3) of the Financial Services Act 2012, which came into force on 1 April 2013.

(5) Publication under this section shall be in such manner as the Bank thinks fit.

16 Functions of [Oversight Committee]

(1) The [Oversight Committee] of the Bank shall keep the procedures followed by the Monetary Policy Committee under review.

(2) In particular, [the function of the Oversight Committee] under subsection (1) shall include determining whether [the Monetary Policy Committee] has collected the regional, sectoral and other information necessary for the purposes of formulating monetary policy.

[(3) …]

Square-bracketed wording in sections 16 (1) and (2) introduced by, and wording in section 16 (3) omitted by, section 3 (4) of the Financial Services Act 2012, which came into force on 1 April 2013.

(2)除委員會認定公布決議將不致於或不再干擾或妨礙其干預目的之達成外，第(1)項規定不適用下列議程之紀錄：

(a) 干預金融市場之決議；或

(b) 關於公布干預金融市場決議之決議。

(3)下列議程之紀錄如無須自該次會議結束之日起 6 週內公布時，本行應自該干預決議之說明依第 14 條第(5)項規定公布之日起 6 週內公布之：

(a) 干預金融市場之決議；或

(b) 關於公布干預金融市場決議之決議。

(4)依本條規定公布之紀錄，就委員會之決議事項，應記載參與決議之各委員投票情形。

[(4A)本行認為公開涉及金融政策委員會議程之資訊將違反公共利益時，應將該資訊排除於依本法公布之紀錄。]

第 15 條第(4A)項新規定係依 2012 年金融服務法第 4 條第(3)項規定增訂，並自 2013 年 4 月 1 日生效。

(5)本條所定之公布，應以本行認為適當之方式為之。

第 16 條　[監督委員會]之職權

(1)[監督委員會]應審查貨幣政策委員會之議事程序。

(2)具體而言，第(1)項所定之[監督委員會職權]，應包括確認[貨幣政策委員會]為制定貨幣政策，是否已蒐集地區性、產業別或其他必要之資訊。

[(3)…]

第 16 條第(1)項及第(2)項規定方括弧內之文字係依 2012 年金融服務法第 3 條第(4)項規定修正，第 16 條第(3)項規定之文字係依 2012 年金融服務法第 3 條第(4)項規定刪除，並自 2013 年 4 月 1 日生效。

Information and reports

17 Power to obtain information

(1) The Bank may by notice in writing require an undertaking to which this section applies to provide the Bank with such information as may be specified in the notice, being information about the relevant financial affairs of the undertaking which the Bank considers it necessary or expedient to have for the purposes of its functions under this Part.

(2) A notice under subsection (1) may require information to be provided –

(a) in such form or manner as may be specified in the notice;

(b) at such time or times as may be so specified;

(c) in relation to such period or periods as may be so specified.

[(3) An undertaking is one to which this section applies if –

(a) it has a place of business in the United Kingdom; and

(b) it falls within subsection (3A), (3B), (3C) or (3D).

(3A) An undertaking falls within this subsection if it is a deposit-taker.

(3B) An undertaking falls within this subsection if it is not a deposit-taker but it –

(a) falls within the subsector "other monetary financial institution", as defined by paragraph 2.48 of Annex A to Council Regulation (EC) No. 2223/96,

(b) carries on a business of granting credits secured on land used for residential purposes,

(c) has issued a debt security, or

(d) has acted as an agent in connection with arranging or managing the issue of a debt security.

(3C) An undertaking falls within this subsection if it is a financial holding company.

(3D) An undertaking falls within this subsection if it is not a deposit-taker but continues to have a liability in respect of a deposit which was held by it in accordance with the Banking Act 1979 or the Banking Act 1987 or a permission under [Part 4A] of the Financial Services and Markets Act 2000.]

資料及報告

第 17 條　取得資料之權限

(1)本行得以書面通知要求本條規定之業者，向本行提供該通知所列之資料；該等資料須為本行認為於行使本章職權所必需，或有利於本行行使本章職權之相關財務資料。

(2)第(1)項之通知得要求依下列規定提供資料：

(a) 依通知所列之格式或方式；

(b) 依通知所列之時間；

(c) 依通知所列之相關期間。

[(3)本條所稱之業者，係指：

(a) 於英國設有營業處所；且

(b) 符合第(3A)項、第(3B)項、第(3C)項或第(3D)項所定情形者。

(3A)存款收受者為本項所稱之業者。

(3B)非存款收受者，但屬下列各款情形之一者，為本項所稱之業者：

(a) 歐盟理事會第 2223/96 號規定附件 A 第 2.48 點所定義之「其他貨幣金融機構」子行業；

(b) 從事住宅用地擔保授信之業者；

(c) 已發行債券者；或

(d) 從事與發行債券之規劃或經理有關之代理商。

(3C)金融控股公司為本項所稱之業者。

(3D)非存款收受者，但依 1979 年銀行法或 1987 年銀行法規定得保留其收受之存款，或依 2000 年金融服務及市場法[第 4A 章]規定取得許可者，為本項所稱之業者。]

Previous wording in section 17 (3) replaced by (and new subsections (3) to (3D) introduced by) article 161 (2) of The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (SI 2001 No.3649), which came into force on 1 December 2001. The reference in section 17(3D) to Part 4A of FSMA introduced by section 114 (1) and para 85 (2) of Schedule 18 of the Financial Services Act 2012, which came into force on 1 April 2013.

(4) The Treasury may by order provide which financial affairs of an undertaking are relevant for the purposes of this section, and may make different provision for different undertakings or classes of undertaking.

(5) The Treasury may by order amend [subsections (3) to (3D)].

Words added by article 161 (3) of SI 2001 No.3649.

(6) Before making an order under this section, the Treasury shall consult –

(a) the Bank,

(b) the [Statistics Board],

(c) such persons as appear to them to be representative of persons likely to be materially affected by the order, and

(d) such other persons as they consider appropriate.

The reference to the Statistics Board was introduced by section 60 (1) and Schedule 3, para 10 of the Statistics and Registration Service Act 2007, which came into force on 1 April 2008 by virtue of The Statistics and Registration Service Act 2007 (Commencement No. 2 and Transitional Provision) Order 2008 (SI 2008 No.839).

[(7) "Deposit-taker" means –

(a) a person who has permission under [Part 4A] of the Financial Services and Markets Act 2000 to accept deposits; or

(b) an EEA firm of the kind mentioned in paragraph 5(b) or (c) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 (1) of that Schedule) to accept deposits or other repayable funds.

The reference to Part 4A of FSMA introduced by section 114 (1) and para 85 (2) of Schedule 18 of the Financial Services Act 2012, which came into force on 1 April 2013.

(7A) "Debt security" means any instrument creating or acknowledging indebtedness (including a government or public security).

See also paragraph 8 (2)(g) of Schedule 2 to The Uncertificated Securities (Amendment) (Eligible Debt Securities) Regulations 2003 (SI 2003 No.1633).

第 17 條第(3)項規定之原文字（以及第(3)項至第(3D)項新規定）係依 2000 年金融服務及市場法（後續修正及廢止）之 2001 年命令（SI 2001 第 3649 號）第 161 條第(2)項規定取代（及增訂），並自 2001 年 12 月 1 日生效。第 17 條第(3D)項規定援引之 2000 年金融服務及市場法第 4A 章規定，係依 2012 年金融服務法第 114 條第(1)項及附則 18 第 85 點第(2)項規定修正，並自 2013 年 4 月 1 日生效。

(4)財政部得以命令規定各業者與本條目的有關之財務事項，並得就不同業者或不同類型之業者訂定不同之規範。

(5)財政部得以命令修正[第(3)項至第(3D)項]規定。

文字係 SI 2001 第 3649 號命令第 161 條第(3)項規定新增。

(6)財政部依本條規定發布命令前，應先洽商：

(a) 本行；

(b) [統計委員會]；

(c) 受該命令重大影響之當事人代表；以及

(d) 其他財政部認為適當之人。

援引之統計委員會係依 2007 年統計及登記服務法第 60 條第(1)項及附則 3 第 10 點規定修正，並依 2007 年統計及登記服務法（第 2 號開始及過渡條款）之 2008 年（SI 2008 第 839 號）命令，自 2008 年 4 月 1 日生效。

[(7)「存款收受者」係指：

(a) 依 2000 年金融服務及市場法[第 4A 章]規定取得收受存款之許可者；或

(b) 前款法律附則 3 第 5 點第(b)款或第(c)款所稱之歐洲經濟區公司，依該附則第 15 點規定（符合該附則第 12 點第(1)項之授權資格）取得收受存款或其他可償付資金之許可者。

援引之 2000 年金融服務及市場法第 4A 章規定，係依 2012 年金融服務法第 114 條第(1)項及附則 18 第 85 點第(2)項規定修正，並自 2013 年 4 月 1 日生效。

(7A)「債券」係指創設或承認債務之金融工具（包括政府或公共債券）。

並參考 2003 年（SI 2003 第 1633 號）無實體證券（修正）（合格債券）命令附則 2 第 8 點第(2)項第(g)款規定。

(7B) Subsections (7) and (7A) must be read with –

(a) section 22 of the Financial Services and Markets Act 2000;

(b) any relevant order under that section; and

(c) Schedule 2 to that Act.

[(7C) "Financial holding company" has the meaning given by Article 4(19) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions.]

(7D) "Undertaking" has the meaning given by [section 1161 (1) of the Companies Act 2006].]

Previous wording in section 17 (7) replaced by (and new subsections (7) to (7D) introduced by) article 161 (4) of SI 2001 No.3649, which came into force on 1 December 2001.

New section 17(7C) introduced by Regulation 29 (2) and paragraph 4 of Schedule 4 of The Capital Requirements Regulations 2006 (SI 2006 No.3221), which came into force on 1 January 2007.

The reference in section 17(7D) to section 1161 (1) of the Companies Act 2006 was introduced by Articles 3 (1)(b) and 6 and Schedule 1, Part 2, para 205 (2) of The Companies Act 2006 (Consequential Amendments etc) Order 2008 (SI 2008 No.948), which came into force on 6 April 2008 by Articles 2 (2) and 12 of the same Order.

18 Reports

(1) The Bank shall prepare and publish reports in accordance with the provisions of this section.

(2) A report under this section shall contain –

(a) a review of the monetary policy decisions published by the Bank in the period to which the report relates,

(b) an assessment of the developments in inflation in the economy of the United Kingdom in the period to which the report relates, and

(c) an indication of the expected approach to meeting the Bank's objectives under section 11.

(3) A report under this section shall relate to –

(a) a period of 3 months, or

(b) such other period as the Treasury and the Monetary Policy Committee may agree.

(7B)第(7)項及第(7A)項規定應依下列規定解釋：

(a) 2000 年金融服務及市場法第 22 條；

(b) 依前款條文發布之相關命令；及

(c) 前述法律附則 2。

[(7C)「金融控股公司」之定義依歐洲議會及理事會 2006 年 6 月 14 日 2006/48/EC 號指令第 4 條第 19 項規定。]

(7D)「業者」之定義依[2006 年公司法第 1161 條第(1)項規定]。]

第 17 條第(7)項規定之原文字（以及增訂之第(7)項至第(7D)項規定）係依 SI 2001 第 3649 號命令第 161 條第(4)項規定修正，並自 2001 年 12 月 1 日生效。

第 17 條第(7C)項新規定係依 2006 年（SI 2006 第 3221 號）資本要求規則第 29 條第(2)項及附則 4 第 4 點規定增訂，並自 2007 年 1 月 1 日生效。

第 17 條第(7D)項規定援引之 2006 年公司法規定係依 2006 年公司法（含後續修正等）之 2008 年（SI 2008 第 948 號）命令第 3 條第(1)項第(b)款、第 6 條及附則 1 第 2 章第 205 點第(2)項規定修正，並依同命令第 2 條第(2)項及第 12 條規定，自 2008 年 4 月 6 日生效。

第 18 條　報告

(1)本行應依本條規定擬具及公布報告。

(2)本條之報告應包括：

(a) 對本行於報告期間內所公布貨幣政策決議之檢討；

(b) 對英國經濟於報告期間內通貨膨脹情形之評估；及

(c) 期望達成第 11 條本行經營目標之指標。

(3)本條之報告應涵蓋：

(a) 3 個月；或

(b) 財政部及貨幣政策委員會同意之其他期間。

(4) Periods to which reports under this section relate shall be successive, the first such period commencing on such day within the period of 3 months ending with the day on which this Act comes into force as the Treasury shall, after consultation with the Bank, specify in writing to it.
(5) No report under this section shall be published without the approval of the Monetary Policy Committee.
(6) A report under this section shall be published as soon as practicable after the end of the period to which it relates and in such manner as the Bank thinks fit.

Treasury's reserve powers

19 Reserve powers
(1) The Treasury, after consultation with the Governor of the Bank, may by order give the Bank directions with respect to monetary policy if they are satisfied that the directions are required in the public interest and by extreme economic circumstances.
(2) An order under this section may include such consequential modifications of the provisions of this Part relating to the Monetary Policy Committee as the Treasury think fit.
(3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.
(4) Unless an order under this section is approved by resolution of each House of Parliament before the end of the period of 28 days beginning with the day on which it is made, it shall cease to have effect at the end of that period.
(5) In reckoning the period of 28 days for the purposes of subsection (4), no account shall be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than 4 days.
(6) An order under this section which does not cease to have effect before the end of the period of 3 months beginning with the day on which it is made shall cease to have effect at the end of that period.
(7) While an order under this section has effect, section 11 shall not have effect.

Supplementary

20 Interpretation of Part II
In this Part, "the Monetary Policy Committee" means the Monetary Policy Committee of the Bank of England.

(4)本條報告之涵蓋期間應連續計算。財政部經洽商本行後，應以書面指定本法生效之日前 3 個月期間內之 1 日，為首次報告涵蓋期間之起始日。
(5)未經貨幣政策委員會同意，不得公布本條之報告。
(6)本條報告於涵蓋期間屆滿後，應儘速以本行認為適當之方式公布之。

財政部保留之權限

第 19 條　保留之權限
(1)財政部經洽商本行總裁後，認為於公共利益及緊急經濟情勢有必要時，得以命令就貨幣政策有關事項對本行下達指示。
(2)財政部認為適當情形下，本條之命令得包括修正本章有關貨幣政策委員會之規定。
(3)本條之命令發布後，應連同法定文件提交國會。
(4)本條之命令自發布之日起 28 日內未經上下議院決議追認時，失其效力。
(5)第(4)項規定所定 28 日之計算，不計入國會解散、休會，或上下議院暫時休會超過 4 日之期間。
(6)本條之命令自發布之日起 3 個月內未失效者，應於該期間末日失效。
(7)於本條之命令有效期間內，第 11 條規定不生效力。

補充規定

第 20 條　第 2 章之解釋
本章所稱之「貨幣政策委員會」係指本行之貨幣政策委員會。

PART III
TRANSFER OF SUPERVISORY FUNCTIONS OF THE BANK TO THE FINANCIAL SERVICES AUTHORITY

Sections 21 to 30 are not reproduced in this booklet. Sections 21(a)(i) and (ii), (b) and (c), section 23 (1)(in part) and sections 25 to 29 were repealed by article 162 of SI 2001 No.3649. Remainder of sections 21, 23 (2) and 24 omitted by section 114 (1) and para 85 (3) of Schedule 18 of the Financial Services Act 2012, which came into force on 1 April 2013.

PART IV
MISCELLANEOUS AND GENERAL

Sections 33 and 34 are not reproduced in this booklet. Sections 31, 32 and 36 were repealed by article 162 of SI 2001 No.3649. Section 35 was repealed by Articles 3 (2) and Schedule 2 of The Companies Act 2006 (Consequential Amendments etc) Order 2008 (SI 2008 No.948), which came into force on 6 April 2008 by Articles 2 (2) and 12 of the same Order.

General

37 Restriction on disclosure of information

Schedule 7 (which restricts the disclosure of information obtained for monetary policy or cash ratio deposit purposes) shall have effect.

38 Offences in relation to supplying information to the Bank

(1) A person who fails without reasonable excuse to comply with any requirement imposed on him under section 17(l) or paragraph 9 of Schedule 2 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) If after conviction of an offence under subsection (1) a person continues the failure for which he was convicted, he shall be guilty of a further offence under that subsection and liable on summary conviction to be punished accordingly.

第 3 章　本行金融監理職權移轉至金融服務管理局

第 21 條至第 30 條規定本次版本未重製。第 21 條第(a)款第(i)目與第(ii)目、第(b)款與第(c)款、第 23 條第(1)項（部分規定）及第 25 條至第 29 條規定係依 SI 2001 第 3649 號命令第 162 條規定廢止。第 21 條其他規定、第 23 條第(2)項及第 24 條規定係依 2012 年金融服務法第 114 條第(1)項及附則 18 第 85 點第(3)項規定刪除，並自 2013 年 4 月 1 日生效。

第 4 章　附款及通則

第 33 條至第 34 條規定本次版本未重製。第 31 條、第 32 條及第 36 條規定係依 SI 2001 第 3649 號命令第 162 條規定廢止。第 35 條規定係依 2006 年公司法（後續修正等）之 2008 年（SI 2008 第 948 號）命令第 3 條第(2)項及附則 2 規定廢止，並依同命令第 2 條第(2)項及第 12 條規定，自 2008 年 4 月 6 日生效。

通　則

第 37 條　資料揭露之限制

附則 7（為貨幣政策或現金比率存款之目的所蒐集資料揭露之限制）隨同本法生效。

第 38 條　拒絕向本行提供資料之罰則

(1)無正當理由而未履行第 17 條第(1)項或附則 2 第 9 點規定所課以之義務者構成犯罪，經簡易審判程序定罪者，科處第 4 級標準等級以下之罰金。

(2)於第(1)項判決定罪後仍未履行其所負義務者，依該項規定構成另一犯罪，經簡易審判程序定罪者應另予處罰。

(3) A person who in purported compliance with a requirement imposed on him under section 17 (1) or paragraph 9 of Schedule 2 provides information which he knows to be false or misleading in a material particular, or recklessly provides information which is false or misleading in a material particular, shall be guilty of an offence and liable –

(a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding the statutory maximum, or to both.

39 Offences by bodies corporate

(1) Where an offence under this Part committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

40 Orders

(1) Any power of the Treasury to make an order under this Act shall be exercisable by statutory instrument.

(2) An order under –

section 17 (4) or (5),

paragraph 1 (2) or 5 of Schedule 2, or

paragraph 3 (2) of Schedule 7,

shall not be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

(3) A statutory instrument containing an order under –

section 23 (2),

paragraph 2 (2) or 8 of Schedule 2,

paragraph 1 (5) of Schedule 4, or

paragraph 3 (3) of Schedule 7,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) A statutory instrument containing an order under section 33 shall be subject to annulment in pursuance of a resolution of the House of Commons.

(3)依第 17 條第(1)項或附則 2 第 9 點規定負提供資料之義務，而故意或因過失提供錯誤或不實之資料者構成犯罪，應依下列規定處罰：

(a) 經起訴審判程序定罪者，處 2 年以下有期徒刑，或科或併科罰金；或

(b) 經簡易審判程序定罪者，處 3 個月以下有期徒刑，或科或併科法定最高金額以下之罰金。

第 39 條　法人之罰則

(1)法人犯本章之罪，經證實係由其董事、經理人、秘書或其他相當職位或有同等決定權之人之同意、共謀或過失所致者，該董事、經理人、秘書或其他相當職位或有同等決定權之人與法人共同構成犯罪，應同為被告並依調查事實結果加以處罰。

(2)法人之事務由其職員管理者，該職員於其管理職權內所為之行為或不行為，視同法人之董事所為，並適用第(1)項之規定。

第 40 條　命令

(1)財政部依本法發布之命令，應以法定文件為之。

(2)第 17 條第(4)項或第(5)項、附則 2 第 1 點第(2)項或第 5 點或附則 7 第 3 點第(2)項之命令，應於其草案提交國會並經上下議院決議通過後，始得發布。

(3)內含第 23 條第(2)項、附則 2 第 2 點第(2)項或第 8 點、附則 4 第 1 點第(5)項或附則 7 第 3 點第(3)項命令之法定文件，應依上議院或下議院之決議而失其效力。

(4)內含第 33 條命令之法定文件，應依下議院之決議而失其效力。

[(4A) Section 9N contains its own provisions about parliamentary procedure in relation to an order under section 9L.]

New section 40(4A) introduced by section 4 (3) of the Financial Services Act 2012, which came into force on 1 April 2013.

(5) Section 19 contains its own provisions about parliamentary procedure in relation to an order under that section.

41 General interpretation

In this Act, "the Bank" means the Bank of England.

42 Transitional provisions and savings

Schedule 8 (transitional provisions and savings) shall have effect.

43 Repeals

The enactments and instruments specified in Schedule 9 are hereby repealed or revoked to the extent specified in the final column of that Schedule.

Final provisions

44 Extent

(1) This Act extends to Northern Ireland.

(2) Section 33 extends to the Channel Islands and the Isle of Man.

(3) The extent of any amendment, repeal or revocation by this Act is the same as that of the enactment amended, repealed or revoked.

45 Commencement

This Act shall come into force on such day as the Treasury may by order appoint.

Pursuant to SI 1998 No.1120 the Act came into force on 1 June 1998.

46 Short title

This Act may be cited as the Bank of England Act 1998.

[(4A)第 9N 條之規定，包括與第 9L 條命令有關之國會程序。]

第 40 條第(4A)項新規定係依 2012 年金融服務法第 4 條第(3)項規定增訂，並自 2013 年 4 月 1 日生效。

(5)第 19 條之規定，包括與該條命令有關之國會程序。

第 41 條　一般解釋

本法所稱之「本行」，係指英格蘭銀行。

第 42 條　過渡條款及存款

附則 8（過渡條款及存款）隨同本法生效。

第 43 條　廢止

附則 9 所列之法規或文書，依該附則末欄所定之範圍，自即日起廢止。

第 44 條　效力範圍

(1)本法之效力及於北愛爾蘭。

(2)第 33 條規定之效力及於海峽群島及曼島。

(3)依本法而修正或廢止之法規，與該法規具有相同之效力。

第 45 條　施行日期

本法之生效日期，由財政部以命令定之。

依 SI 1998 第 1120 號命令，本法自 1998 年 6 月 1 日生效。

第 46 條　簡稱

本法得稱為 1998 年英格蘭銀行法。

SCHEDULES
SCHEDULE 1
COURT OF DIRECTORS

Terms of office

[1.⑴ Appointment as Governor of the Bank shall be for a period of 8 years.

⑵ Appointment as Deputy Governor of the Bank shall be for a period of 5 years.

⑶ A person may not be appointed –

(a) as Governor, more than once, or

(b) as Deputy Governor, more than twice.

⑷ A person appointed as Governor or Deputy Governor of the Bank shall work exclusively for the Bank; and for this purpose work in an office that an enactment requires to be held by the Governor or a Deputy Governor is to be taken to be work for the Bank.]

New paragraph 1 introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

2. Appointment as [non-executive director] of the Bank shall be for a period of [4 years, or such shorter period as may be specified in the appointment].

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

3. […]

Previous wording omitted by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

4. A person appointed as Governor, Deputy Governor or [non-executive director] of the Bank may resign his office by written notice to the Bank.

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

附則

附則 1　理事會

任期

[1.⑴總裁之任期為 8 年。

⑵副總裁之任期為 5 年。

⑶總裁、副總裁任命之限制為：

(a)曾任總裁者，不得再任命為總裁；或

(b)曾任副總裁 2 任以上者，不得再任命為副總裁。

⑷總裁、副總裁為專任；擔任法律明定應由總裁或副總裁擔任之職位者，視為任職本行。]

第 1 點新規定係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

2. [非執行理事]之任期為[4 年，或為任命時所定之較短期間]。

方括弧內之文字係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

3. […]

原文字係依 2012 年金融服務法第 5 條規定刪除，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

4. 總裁、副總裁或[非執行理事]，得以書面通知本行辭去其職位。

方括弧內之文字係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

Qualification for appointment

5. ⑴ A person is disqualified for appointment as Governor, Deputy Governor or [non-executive director] of the Bank if he is a Minister of the Crown or a person serving in a government department in employment in respect of which remuneration is payable out of money provided by Parliament.

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

⑵ [An officer or employee of the Bank, other than a person holding office under section 9B ⑴(e), is disqualified for appointment as non-executive director of the Bank.]

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

[6.⑴ The fact that a person has held office as Governor of the Bank does not disqualify that person from appointment as Deputy Governor or non-executive director of the Bank.

⑵ The fact that a person has held office as Deputy Governor or non-executive director of the Bank does not disqualify that person from re-appointment to that office or for appointment to the other office or as Governor of the Bank, but this is subject to paragraph 1 ⑶(b).]

New wording in paragraph 6 introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

Removal from office

7. ⑴ A person appointed as Governor or Deputy Governor of the Bank shall vacate office if he becomes a person to whom paragraph 5(l) applies.

⑵ A person appointed as [non-executive director] of the Bank shall vacate office if he becomes a person to whom paragraph 5(l) or ⑵ applies.

Square-bracketed wording in paragraph 7 ⑵ introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

任命資格

5. ⑴內閣閣員或任職於政府機關且薪資由國會支付者，不得任命為總裁、副總裁或[非執行理事]。

方括弧內之文字係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

⑵[除依本法第 9B 條第⑴項第(e)款規定任職之人員外，本行職員或受僱人員，不得任命為非執行理事。]

方括弧內之文字係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

[6.⑴曾任總裁者，得任命為副總裁或非執行理事。

⑵曾任副總裁或非執行理事者，得再任原職或任命為與原職不同之另一職位，或任命為總裁。但應符合第 1 點第⑶項第(b)款之規定。]

第 6 點規定新文字係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

解　職

7. ⑴總裁或副總裁接任第 5 點第⑴項之職位時，應辭去本行職位。

⑵[非執行理事]接任第 5 點第⑴項或第⑵項之職位時，應辭去本行職位。

第 7 點第⑵項規定方括弧內之文字係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

8. [(1)] The Bank may, with the consent of the Chancellor of the Exchequer, remove a person from office as Governor, Deputy Governor or [non-executive director] of the Bank if it is satisfied –

(a) that he has been absent from meetings of the court for more than 3 months without the consent of the court,

(b) that he has become bankrupt, that his estate has been sequestrated or that he has made an arrangement with or granted a trust deed for his creditors, or

(c) that he is unable or unfit to discharge his functions as a member.

[(2)In relation to the Deputy Governor for prudential regulation, the reference in sub-paragraph (1)(c) to inability or unfitness to discharge functions as member of the court of directors is to be read as including a reference to inability or unfitness to discharge functions as Chief Executive of the Prudential Regulation Authority.]

Square-bracketed wording in paragraph 8 introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

Powers

9. The court may act notwithstanding the existence of one or more vacancies among its members.

10.The court may appoint such sub-committees as it thinks fit.

11.[(1)] The court may delegate such duties and powers as it thinks fit to –

(a) a member of the court.

(b) any officer, [employee] or agent of the Bank,

(c) sub-committee consisting of –

(i) members of the court, or

(ii) one or more members of the court and one or more of the officers, [employees] and agents of the Bank.

[(2) The duties and powers that may be delegated under this paragraph do not include duties and powers that are by any enactment expressly imposed or conferred on the court of directors.]

Square-bracketed wording in paragraph 11 introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

8.[(1)]總裁、副總裁或[非執行理事]有下列情形之一者，本行得經財政大臣同意予以解任：

(a)未經理事會同意，超過3個月未出席理事會會議；

(b)破產、財產被扣押或與其債權人訂定信託契約；或

(c)無法或不適宜履行其理事職權。

[(2)第(1)項第(c)款關於負責審慎監理之副總裁無法或不適宜履行理事會成員職權之參考標準，應包括關於審慎監理局執行長無法或不適宜履行其職權之參考標準。]

第8點規定方括弧內之文字係依2012年金融服務法第5條規定修正，其中有關任命之規定自2013年2月19日生效，其他規定自2013年4月1日生效。

權　限

9. 理事會之職權，不因理事之出缺而受影響。

10. 理事會認為適當時，得任命附屬委員會成員。

11.[(1)]理事會認為適當時，得將其職責與權限授權下列人員或組織行使：

(a)理事；

(b)本行職員、[受僱人員]或代理人；

(c)由下列成員組成之附屬委員會：

(i)理事會成員；或

(ii)理事1人以上，以及本行職員、[受僱人員]與代理人1人以上。

[(2)依本點規定得授權之職責與權限，不包括法律限定或賦予理事會之職責與權限。]

第11點規定方括弧內之文字係依2012年金融服務法第5條規定修正，其中有關任命之規定自2013年2月19日生效，其他規定自2013年4月1日生效。

Meetings

12. (1)The court shall meet at least [7 times in each calendar year].

[(2)Either of the following may summon a meeting at any time on giving such notice as the circumstances appear to require –

(a) the Governor of the Bank (or in his absence a Deputy Governor), and

(b) the chair of the court.]

Previous wording in paragraphs 12 (1) and 12 (2) amended, and square bracketed wording substituted by sections 240 (1), 240 (2) and 240 (3) of the Banking Act 2009, which came into force on 1 June 2009.

[Publication of record of meetings

12A (1) The Bank must publish a record of each meeting of the court –

(a) before the end of the period of 6 weeks beginning with the day of the meeting, or

(b) if no meeting of the court is subsequently held during that period, before the end of the period of 2 weeks beginning with the day of the next meeting.

(2) The record must specify any decisions taken at the meeting (including decisions to take no action) and must set out, in relation to each decision, a summary of the court's deliberations.

(3) Sub-paragraphs (1) and (2) do not require the publication of information whose publication within the time required by sub-paragraph (1) would in the opinion of the court be against the public interest.

(4) Publication under this section is to be in such manner as the Bank thinks fit.]

New paragraph 12A introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

Proceedings

13.(1) At a meeting of the court, the proceedings shall be regulated as follows.

(2)[…]

Wording in paragraph 13 (2) repealed by sections 242 (1) and 242 (3)(a) of the Banking Act 2009, which came into force on 1 June 2009.

會　議

12.(1)理事會會議[每年應至少舉行 7 次]。

[(2)下列人員認為必要時，得隨時通知召開理事會會議：

(a)總裁（總裁缺席時為副總裁）；及

(b)理事會主席。]

第 12 點第(1)項與第(2)項規定原文字，以及方括弧內之文字，係依 2009 年銀行法第 240 條第(1)項、第(2)項與第(3)項規定修正及取代，並自 2009 年 6 月 1 日生效。

[會議紀錄之公布

12A(1)本行應於下列期限，公布理事會會議紀錄：

(a)自該次會議結束之日起 6 週內；或

(b)理事會於前款期限無後續會議時，自下次會議結束之日起 2 週內。

(2)前項紀錄應詳細說明該次會議所作成之決議（包括不作為之決議），以及理事會就各項決議討論過程之摘要。

(3)第(1)項及第(2)項規定應公開之資訊，不包括理事會認為依第(1)項規定所定期限公開，將違反公共利益之資訊。

(4)本點所定之公布，應以本行認為適當之方式為之。]

第 12A 點新規定係依 2012 年金融服務法第 5 條規定新增，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

議事程序

13.(1)理事會會議之議事程序，依本點規定。

(2)[…]

第 13 點第(2)項規定原文字係依 2009 年銀行法第 242 條第(1)項及第(3)項第(a)款規定廢止，並自 2009 年 6 月 1 日生效。

[(3) The Chancellor of the Exchequer may designate –

(a) a member of the court to chair its meetings ("the chair of the court"), and

(b) one or more members of the court as deputies to chair its meetings in the absence of the chair of the court.]

Wording in paragraph 13 (3) repealed and square bracketed wording substituted by section 241 (1) of the Banking Act 2009, which came into force on 1 June 2009.

[(3A) But a member of the court who is the Governor or Deputy Governor of the Bank may not be designated under paragraph (a) or (b) of sub-paragraph (3).]

New paragraph 13(3A) introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

(4) If a member of the court has any direct or indirect interest in any dealing or business with the Bank –

(a) he shall disclose his interest to the court at the time of the dealing or business being negotiated or transacted, and

(b) he shall have no vote in relation to the dealing or business, unless the court has resolved that the interest does not give rise to a conflict of interest.

(5) A member of the court shall have no vote in relation to any question arising which touches or concerns him but shall withdraw and be absent during the debate of any matter in which he is concerned.

(6) Subject to sub-paragraphs [(3)] to (5), the court shall determine its own procedure [(including quorum)].

Previous wording in paragraph 13 (6) replaced by (and new square bracketed wording introduced by) sections 242 (3)(b) and 242 (3)(c) respectively of the Banking Act 2009, which came into force on 1 June 2009.

Remuneration

14.(1) A person appointed as Governor or Deputy Governor of the Bank shall be entitled to be paid by the Bank such remuneration as [the Oversight Committee] may determine.

[(3)財政大臣得指派：

(a) 理事 1 人為理事會會議主席（以下簡稱理事會主席）；及

(b) 理事 1 人以上為理事會會議副主席，於理事會主席缺席時擔任主席。]

第 13 點第(3)項規定之文字，以及方括弧內之文字，係依 2009 年銀行法第 241 條第(1)項規定廢止及取代，並自 2009 年 6 月 1 日生效。

[(3A)總裁或副總裁不得依第(3)項第(a)款或第(b)款規定指派為理事會主席或副主席。]

第 13 點第(3A)項新規定係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

(4)理事對於本行之交易或業務，有直接或間接利害關係時：

(a) 該理事應於理事會商議或處理該項交易或業務時，向理事會揭露其利害關係；且

(b) 除理事會決議其利害關係不致產生利益衝突之情形外，該理事對該項交易或業務，無表決權。

(5) 理事對於涉及本人之事項，無表決權；於該事項討論過程中，應暫時退席。

(6) 理事會得依第[(3)]項至第(5)項規定，自行訂定議事程序[(包括法定人數)]。

第 13 點第(6)項規定原文字（以及方括弧內之新文字），係分別依 2009 年銀行法第 243 條第(3)項第(b)款及第(c)款規定取代（及修正），並自 2009 年 6 月 1 日生效。

薪資

14.(1)總裁或副總裁之薪資由[監督委員會]訂定，並由本行支付。

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

⑵ The Bank may pay, or create and maintain a fund for the payment of, pensions or capital grants to members, or former members, of the court who have rendered exclusive services to the Bank.

15. A [non-executive director] of the Bank shall be entitled to be paid by the Bank such remuneration as the Bank may determine with the approval of the Chancellor of the Exchequer.

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.
In accordance with para 15 of Schedule 2 to the Financial Services Act 2012, none of the amendments in Schedule 1 to the 1998 Act, which have been introduced by paras 2 to 7 of Schedule 2 to the 2012 Act pursuant to section 5 of the 2012 Act, affect the term of any appointment made before the commencement of that provision.

SCHEDULE 2
CASH RATIO DEPOSITS

Eligible institutions

1. [⑴ Each deposit-taker is an eligible institution for the purposes of this Schedule.

(1A) "Deposit-taker" has the meaning given in section 17, except that it does not include –

(a) a credit union;

(b) a friendly society;

(c) a person who has permission to accept deposits under [Part 4A] of the Financial Services and Markets Act 2000 only in the course of effecting or carrying out contracts of insurance in accordance with that permission; or

(d) an EEA firm of the kind mentioned in paragraph 5(c) of Schedule 3 to that Act.

(1B) "Credit union" has the meaning given –

(a) by the Credit Unions Act 1979; or

方括弧內之文字係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

⑵ 現任或曾任理事且為專任者，本行得支付其退休金或贈與金，或設立並維持支付其退休金或贈與金之基金。

15. [非執行理事]之薪資，由本行經財政大臣同意後訂定及支付。

方括弧內之文字係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。
依 2012 年金融服務法附則 2 第 15 點規定，該法附則 2 第 2 點至第 7 點規定對本法附則 1 之修正，依該法第 5 條規定，不影響該條條文生效前被任命者之任期。

附則 2　現金比率存款

合格機構

1. [⑴存款收受者為本附則之合格機構。

(1A)「存款收受者」之定義依本法第 17 條規定。但不包括下列機構：

(a) 信用合作社；

(b) 互助會；

(c) 依 2000 年金融服務及市場法[第 4A 章]規定取得收受存款之許可，且依該許可訂立或履行保險契約者；或

(d) 前款法律附則 3 第 5 點第(c)款所稱之歐洲經濟區公司。

(1B)「信用合作社」之定義依下列法令規定：

(a)1979 年信用合作社法；或

(b) in Northern Ireland, by the Credit Unions (Northern Ireland) Order 1985.

(1C) "Friendly society" means –

(a) a society which is registered within the meaning of the Friendly Societies Act 1974; or

(b) a society incorporated under the Friendly Societies Act 1992.]

Previous wording in paragraph 1 (1) replaced by (and new sub-paragraphs (1) to (1C) introduced by) article 163 (1) of SI 2001 No.3649. The reference in para 1(1A)(c) to Part 4A of FSMA introduced by section 114 (1) and para 85 (4) of Schedule 18 of the Financial Services Act 2012, which came into force on 1 April 2013.

(2) The Treasury may by order amend [sub-paragraphs (1) to (1C).]

Words added by article 163 (2) of SI 2001 No.3649.

Liability base

2. (1) For the purposes of this Schedule, the liability base of an eligible institution at any time is the aggregate of those sterling and foreign currency liabilities of the institution which are eligible liabilities.

(2) The Treasury may by order define eligible liabilities for the purposes of this paragraph and make provision about the calculation of any description of eligible liability, including provision for the amount of a liability of any description to be treated as reduced by the amount of an asset of any description.

Call notices

3. (1) The Bank may give an eligible institution notice under this paragraph.

(2) Notice under this paragraph ("a call notice") shall be in writing and shall specify –

(a) the period to which it relates, and

(b) the amount which, in relation to that period, is the institution's depositable amount.

(3) The period to be specified under sub-paragraph (2)(a) –

(a) shall be a period of 6 months beginning at least 4 working days after the date of the notice, and

(b) 於北愛爾蘭，依 1985 年信用合作社（北愛爾蘭）命令。

(1C)「互助社」係指：

(a)符合 1974 年互助社法定義所註冊之社團；或

(b)依 1992 年互助社法組成之社團。]

第 1 點第(1)項規定之原文字（以及第(1)項至第(1C)項新規定）係依 SI 2001 第 3649 號命令第 163 條第(1)項規定取代（及增訂）。第 1 點第(1A)項第(c)款規定援引之 2000 年金融服務及市場法第 4A 章規定，係依 2012 年金融服務法第 114 條第(1)項及附則 18 第 85 點第(4)項規定修正，並自 2013 年 4 月 1 日生效。

(2)財政部得以命令修正[第(1)項至第(1C)項規定。]

文字係依 SI 2001 第 3649 號命令第 163 條第(2)項規定增訂。

負債基礎

2. (1)本附則所稱合格機構之負債基礎，為該機構該當於合格負債之英鎊及外幣存款總和。

(2)財政部得以命令定義本點之合格負債，以及訂定計算合格負債（包括被認定為應減去資產數額之負債數額）之規定。

存款通知

3. (1) 本行得依本點規定通知合格機構。

(2) 依本點規定所為之通知（以下簡稱存款通知）應以書面為之，並載明下列事項：

(a)該通知之有關期間；以及

(b)該機構於前開期間應存入之金額。

(3) 第(2)項第(a)款規定所載之期間，應：

(a)有 6 個月之期間，並自通知之日起至少 4 個工作日後起算；且

(b) shall not include any part of a period specified in a previous call notice given to the institution concerned.

Calculation of depositable amount

4. ⑴In the case of any call notice, the amount to be specified under paragraph 3 ⑵(b) is the amount, or, as the case may be, the sum of the amounts, produced by multiplying so much of the institution's average liability base for the reference period as falls into each value band by the ratio applicable to that band.

⑵The Bank may use such method to calculate an institution's average liability base for the purposes of this paragraph as it thinks fit, and may use different methods for different institutions.

⑶For the purposes of this paragraph, value bands and the ratios applicable to them are such as may be specified under paragraph 5.

Value bands and applicable ratios

5. The Treasury may by order specify for the purposes of paragraph 4 value bands and the ratios applicable to them.

Effect of call notice

6. ⑴Where the Bank has given an eligible institution a call notice, then, if at any time in the period to which the notice relates the following conditions are met, namely –

(a) the institution is an eligible institution, and

(b) the institution does not have on deposit in the appropriate account with the Bank the amount specified in the notice as its depositable amount in relation to that period, the Bank may by notice in writing require the institution to make a payment in lieu of deposit.

⑵A notice under subparagraph ⑴ shall specify what period it covers, and the period specified must –

(a) fall within the period to which the call notice relates, and

(b) be a period throughout which the conditions mentioned in sub-paragraph ⑴ have been met.

⑶The amount which the Bank may by a notice under sub-paragraph ⑴ require an institution to pay is an amount equal to interest for the period covered by the notice, at 4% over the benchmark rate, on the average shortfall during that period.

(b)不包括先前對該機構之存款通知所載之任何期間。

存款金額之計算

4. ⑴第 3 點第⑵項第(b)款規定所載之金額，為該機構於參考期間之平均負債基礎落於各金額級距部分，乘以該級距適用比率之總和。

⑵本行得以其認為適當之方式計算個別機構之平均負債基礎，並得以不同方式計算不同機構之平均負債基礎。

⑶本點之金額級距及其適用比率，係依第 5 點規定定之。

金額級距及其適用比率

5. 財政部得以命令明定第 4 點之金額級距及其適用比率。

存款通知之效力

6. ⑴本行對合格機構為存款通知後，於該通知之有關期間符合下列要件時，本行得以書面通知該機構以付款代替存款：

(a)該機構為合格機構；且

(b)該機構於存款通知之有關期間內，未將該通知所載之應存入金額存入本行適當帳戶。

⑵第⑴項之通知應明定其涵蓋期間，而：

(a)該期間應於存款通知之有關期間內；且

(b)於該期間內，皆滿足第⑴項之要件。

⑶本行以第⑴項通知要求合格機構應支付之金額，為該機構於前述通知涵蓋期間之平均不足金額，以基準利率加計 4%計息。

(4) The Bank may use such method to calculate the average shortfall as it thinks fit.

(5) In sub-paragraph (1)(b), the reference to the appropriate account, in relation to an eligible institution, is to such account of the institution with the Bank as is designated by the Bank for the purposes of this Schedule.

(6) For the purposes of sub-paragraph (3), the shortfall, at any time, is the amount which the institution needs to deposit to prevent the condition mentioned in sub-paragraph (1)(b) applying.

Benchmark rate of interest

7. (1) The benchmark rate of interest for the purposes of paragraph 6 (3) shall be determined as follows.

(2) First, determine a rate of interest for each working day of the period covered by the notice under paragraph 6 (1) by taking the average of the rates at which 3 month deposits in sterling are bid at 11.00 am on the day by the 5 eligible institutions having in the opinion of the Bank the largest eligible liabilities at the end of the reference period for the relevant call notice.

(3) Second, determine an average rate of interest by reference to the rates determined in accordance with sub-paragraph (2), the average rate so determined being the benchmark rate.

(4) In sub-paragraph (2), the reference to the relevant call notice is to the call notice by virtue of which the Bank is entitled to give the notice under paragraph 6(l).

8. The Treasury may by order amend or replace paragraph 7.

Power to obtain information

9.(1) The Bank may by notice in writing require an eligible institution to provide the Bank with such information as may be specified in the notice, being information which the Bank considers it necessary or expedient to have for the purposes of its functions under this Schedule.

(2) A notice under sub-paragraph (1) may require information to be provided –

(a) in such form or manner as may be specified in the notice;

(b) at such time or times as may be so specified;

(c) in relation to such period or periods as may be so specified.

Orders

10. Before making an order under this Schedule, the Treasury shall consult –

(4)本行得以其認為適當之方式，計算平均不足金額。

(5)第(1)項第(b)款規定所稱合格機構之本行適當帳戶，為本行為達成本附則規定目的所指定之帳戶。

(6)第(3)項規定之不足金額，為該機構為避免達成第(1)項第(b)款之要件應存入之金額。

基準利率

7. (1)第 6 點第(3)項所定之基準利率，依本點之規定。

(2)首先，以相關存款通知之參考期間屆滿時本行認定持有最多合格負債之 5 家合格機構，於每日上午 11 時之 3 個月英鎊存款利率平均買價，作為第 6 點第(1)項通知涵蓋期間每一工作日之利率。

(3)其次，參照第(2)項規定所定利率計算平均利率，該平均利率即為基準利率。

(4)第(2)項規定所稱之相關存款通知，係指本行為第 6 點第(1)項之通知所依據之存款通知。

8. 財政部得以命令修正或取代第 7 點規定。

取得資料之權限

9. (1)本行得以書面通知要求合格機構，向本行提供該通知所列資料；前述資料須為本行認定於行使本附則職權所必需，或有利於本行行使本附則職權者。

(2)第(1)項之通知得要求依下列規定提供資料：

(a)依該通知所列之格式或方式；

(b)依該通知所列之時限；

(c)依該通知所列之有關期間。

命令

10.財政部依本附則規定發布命令前，應先洽商：

(a) the Bank,

(b) such persons as appear to them to be representative of persons likely to be materially affected by the order, and

(c) such other persons as they think fit.

11. In exercising the power to make orders under paragraph 2 (2) or 5, the Treasury shall have regard to the financial needs of the Bank.

Interpretation

12. In this Schedule –

"reference period" , in relation to a call notice, means the period of 6 months ending immediately before the month in which the notice is given; and "working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

Modifications for new entrants

13. (1) In its application to the first call notice to be given to an institution or society after it becomes an eligible institution, this Schedule shall have effect with the following modifications.

(2) In paragraph 3 (3)(a), after "period of" there is inserted "not more than" .

(3) In paragraph 7 (2), for "the end of the reference period for the relevant call notice" there is substituted "such time before the beginning of the period to which the relevant call notice relates as the Bank thinks fit" .

(4) In paragraph 12, in the definition of "reference period" , for the words from "the period" to the end there is substituted "such period prior to the notice as the Bank thinks fit" .

[SCHEDULE 2A
FINANCIAL POLICY COMMITTEE

Terms of office of appointed members

1. (1) Appointment under section 9B (1)(d) or (e) as a member of the Financial Policy Committee is to be for a period of 3 years, but this is subject to sub-paragraph (2) and to paragraph 3.

(a)本行；

(b)受該命令重大影響之當事人代表；以及

(c)其他財政部認為適當之人。

11.財政部依第 2 點第(2)項或第 5 點規定行使發布命令之權限時，應考量本行之財務需求。

解釋

12.本附則之用詞定義如下：

關於存款通知之「參考期間」，係指為該通知當月前 6 個月之期間；「工作日」係指除星期六、星期日、聖誕節、耶穌受難日或英國任一地區依 1971 年銀行與金融交易法之銀行放假日以外之日。

對於新成員之修正

13.(1)適用於成為合格機構後首次接獲存款通知之機構或社團時，本附則應為本點之修正，並隨同本法生效。

(2)第 3 點第(3)項第(a)款「6 個月之期間」之前，增加「不超過」等字。

(3)第 7 點第(2)項「相關存款通知之參考期間屆滿時」，修正為「本行認為於相關存款通知之有關期間開始前之適當時間」。

(4)第 12 點對「參考期間」之定義，自「期間」等字起至末行，修正為「本行認為於該通知前之適當期間」。

[附則 2A 金融政策委員會

委員任期

1. (1)除第(2)項及第 3 點規定之情形外，依本法第 9B 條第(1)項第(d)款或第(e)款規定任命之金融政策委員會委員，其任期為 3 年。

(2) Initially some appointments may be for shorter and different periods so as to secure that appointments expire at different times.

2. (1) A person may not be appointed as a member of the Committee under section 9B (1)(e) more than twice.

(2) For this purpose an appointment which by virtue of paragraph 1 (2) is for a period of less than 3 years is to be disregarded.

3. (1) If it appears to the Chancellor of the Exchequer that in the circumstances it is desirable to do so, the Chancellor may, before the end of the term for which a person is appointed as a member of the Committee under section 9B(1)(e), extend the persons's term of office on one occasion for a specified period of not more than 6 months.

(2) The term being extended may be the person's first or second term or, in a case where paragraph 2 (2) allows a third term, the person's third term.

(3) If a person whose first term of office is extended is subsequently re-appointed under section 9B (1)(e) –

(a) the length of the second term is to be reduced by a period equal to the extension of the first term, but

(b) the second term may itself subsequently be extended under sub-paragraph (1).

(4) In a case where a person's second term of office is extended and paragraph 2 (2) allows a third term, sub-paragraph (3) is to be read as if the references to first and second terms were references to second and third terms respectively.

4. (1) A person appointed under section 9B (1)(d) or (e) may resign the office by written notice to the Bank.

(2) Where the notice relates to a person appointed under section 9B (1)(e), the Bank must give a copy of the notice to the Treasury.

5. The terms and conditions on which a person holds office as a member of the Committee appointed under section 9B (1)(e) are to be such as the Oversight Committee may determine.

Qualification for appointment

6. (1) The following persons are disqualified for appointment under section 9B (1)(d) or (e) –

(2) 第 1 屆部分委員得有較短或不同任期，以確保任期不致同時屆滿。

2. (1) 曾依本法第 9B 條第(1)項第(e)款規定任命為委員 2 任以上者，不得再依該款規定任命為委員。

(2) 依第 1 點第(2)項規定任命且任期少於 3 年之委員，該次任期不列入計算。

3. (1) 財政大臣認為必要時，得於依本法第 9B 條第(1)項第(e)款規定任命之委員任期屆滿前，延長其任期。但延長之任期不得超過 6 個月。

(2) 延長任期得於該委員第 1 任或第 2 任任期為之；依第(2)項第(2)款規定得擔任第 3 任時，並得於該委員第 3 任任期為之。

(3) 已延長第 1 任任期之委員，依本法第 9B 條第(1)項第(e)款規定再任命為委員時：

(a) 第 2 任任期應扣除相當於第 1 任所延長之期間；但

(b) 第 2 任任期仍得依第(1)項規定延長。

(4) 已延長第 2 任任期，且依第 2 點第(2)項規定得擔任第 3 任之委員時，第(3)項就第 1 任及第 2 任任期所為之規定，應分別對應該委員之第 2 任及第 3 任任期。

4. (1) 依本法第 9B 條第(1)項第(d)款或第(e)款規定任命之委員，得以書面通知本行辭去其職位。

(2) 依本法第 9B 條第(1)項第(e)款規定任命之委員為前項通知時，本行應向財政部提交該通知副本。

5. 依本法第 9B 條第(1)項第(e)款規定任命之委員，其任期及任職條件由監督委員會定之。

任命資格

6. (1) 下列人員不得依本法第 9B 條第(1)項第(d)款或第(e)款規定任命為委員：

(a) a Minister of the Crown;

(b) a person serving in a government department in employment in respect of which remuneration is paid out of money provided by Parliament.

(2) A member of the Monetary Policy Committee of the Bank appointed under section 13 (2)(c) is disqualified for appointment under section 9B (1)(e).

Removal of appointed members

7. A person appointed under section 9B (1)(d) or (e) vacates office on becoming a person to whom paragraph 6 (1)(a) or (b) applies.

8. A person appointed under section 9B (1)(d) vacates office on ceasing to have executive responsibility within the Bank for the analysis of threats to financial stability.

9. (1) The Oversight Committee may, with the consent of the Chancellor of the Exchequer, remove a member appointed under section 9B (1)(d) or (e) ("M") if it is satisfied –

(a) that M has been absent from 3 or more meetings of the Financial Policy Committee without the Committee's consent,

(b) that M has become bankrupt, that a debt relief order (under Part 7A of the Insolvency Act 1986) has been made in respect of M, that M's estate has been sequestrated or that M has made an arrangement with or granted a trust deed for M's creditors, or

(c) that M is unable or unfit to discharge M's functions as a member.

(2) The Oversight Committee may, with the consent of the Chancellor of the Exchequer, also remove a member appointed under section 9B (1)(e) ("M") if it is satisfied that in all the circumstances M's financial or other interests are such as substantially to affect the functions as member which it would be proper for M to discharge.

Meetings

10. (1) The Committee shall meet at least 4 times in each calendar year.

(2) The Governor of the Bank (or in the Governor's absence the Bank's Deputy Governor for financial stability) may summon a meeting at any time on giving such notice as the person giving the notice thinks the circumstances require.

(a)內閣閣員；

(b)任職於政府機關且薪資由國會支付者。

(2)依本法第 13 條第(2)項第(c)款規定任命之貨幣政策委員會委員，不得依第 9B 條第(1)項第(e)款規定任命為金融政策委員會委員。

解　職

7. 依本法第 9B 條第(1)項第(d)款或第(e)款規定任命之委員，接任第 6 點第(1)項第(a)款或第(b)款之職位時，應辭去委員職位。

8. 依本法第 9B 條第(1)項第(d)款規定任命之委員，就本行對於威脅金融穩定分析事項不再具有執行權限時，應辭去委員職位。

9. (1)依本法第 9B 條第(1)項第(d)款或第(e)款規定任命之委員，有下列情形之一者，監督委員會得經財政大臣同意予以解任：

(a)未經金融政策委員會同意，未出席金融政策委員會會議達 3 次以上；

(b)破產、經（依 1986 年破產法第 7A 章規定）對其核發債務減輕令、財產被扣押或與其債權人訂定信託契約；或

(c)無法或不宜履行其委員職權。

(2)依本法第 9B 條第(1)項第(e)款規定任命之委員，其財務或其他利害關係對其適當行使委員職權有重大影響時，監督委員會得經財政大臣同意予以解任。

會　議

10. (1)委員會會議每年應至少舉行 4 次。

(2)總裁（或總裁缺席時為負責金融穩定之副總裁）認為必要時，得隨時通知召開會議。

Proceedings

11. ⑴ At a meeting of the Committee, the proceedings are to be regulated as follows.

⑵ The quorum is to be 6 (excluding the Treasury's representative) and of the 6 –

(a) one must be the Governor of the Bank or the Bank's Deputy Governor for financial stability,

(b) unless both those mentioned in paragraph (a) are present, one must be either of the other Deputy Governors of the Bank, and

(c) one must be a member appointed under section 9B ⑴(e).

⑶ The chair is to be taken by the Governor of the Bank or, if the Governor is not present, by the Bank's Deputy Governor for financial stability.

⑷ The person chairing the meeting must seek to secure that decisions of the Committee are reached by consensus wherever possible.

⑸ Where that person forms the opinion that consensus cannot be reached, a decision is to be taken by a vote of all those members present at the meeting.

⑹ In the event of a tie, the person chairing the meeting is to have a second casting vote.

⑺ At a meeting of the Committee –

(a) the Treasury's representative may not vote, and

(b) any view expressed by the Treasury's representative is to be disregarded in determining under sub-paragraph ⑷ or ⑸ whether there is a consensus.

⑻ Subject to sub-paragraphs ⑵ to ⑺ and paragraph 14, the Committee is to determine its own procedure.

12. The Committee may, in relation to sub-paragraph ⑵, ⑶, ⑷ or ⑸ of paragraph 11, determine circumstances in which a member who is not present at, but is in communication with, a meeting is to be treated for the purposes of that sub-paragraph as present at it.

13. The Committee may invite other persons to attend, or to attend and speak at, any meeting of the Committee.

14. If a member of the Committee (“M”) has any direct or indirect interest (including any reasonably likely future interest) in any dealing or business which falls to be considered by the Committee –

議事程序

11.⑴委員會會議之議事程序，依本點之規定。

⑵會議之法定人數為 6 人（財政部代表不計入），包括：

(a) 其中 1 人應為總裁或負責金融穩定之副總裁；

(b) 除第(a)款所列人員皆出席之情形外，其中 1 人應為其他副總裁；以及

(c) 其中 1 人應為依本法第 9B 條第⑴項第(e)款規定任命之委員。

⑶總裁為會議主席；總裁缺席時，由負責金融穩定之副總裁擔任主席。

⑷會議主席應盡可能確保會議決議係以共識決定之。

⑸委員意見未能達成共識時，會議決議應由出席會議之全體委員以投票決定之。

⑹正反票數相同時，由會議主席決定之。

⑺委員會會議中：

(a)財政部代表無投票權；且

(b)財政部代表之意見，不作為認定是否達成第⑷項或第⑸項共識之依據。

⑻委員會得依第⑵項至第⑺項及第 14 點規定，訂定其議事程序。

12.委員會得認定未出席會議但以通訊表達意見之委員，視為已依第 11 點第⑵項、第⑶項、第⑷項或第⑸項規定出席會議之情形。

13.委員會得邀請其他人員列席會議，或列席會議並表示意見。

14.委員對於委員會審議之交易或業務，有直接或間接利害關係（包括未來可能發生之利害關係）時：

(a) M must disclose that interest to the Committee when it considers the dealing or business, and

(b) the Committee must decide whether M is to be permitted to participate in any proceedings of the Committee relating to any question arising from its consideration of the dealing or business, and if so to what extent and subject to what conditions (if any).]

New Schedule 2A introduced by section 4 (2) of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

SCHEDULE 3
MONETARY POLICY COMMITTEE

Terms of appointed members

1. Appointment as a member of the Committee under section 13 (2)(b) or (c) shall be for a period of 3 years, [but this is subject to paragraph 2B].

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

2. […]

Previous wording omitted by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.
This does not affect the term of any appointment made before the commencement of this amendment (paragraph 2 (11) Schedule 2 of the Financial Services Act 2012).

[2A A person may not be appointed as a member of the Committee under section 13 (2)(c) more than twice.]

New paragraph 2A introduced by section 243 (3) of the Banking Act 2009, which came into force on 1 June 2009.

[2B(1)If it appears to the Chancellor of the Exchequer that in the circumstances it is desirable to do so, the Chancellor may, before the end of the 3 years for which a person is appointed as a member of the Committee under section 13 (2)(c), extend the persons's term of office on one occasion for a specified period of not more than 6 months.

(a) 該委員應於委員會審議該項交易或業務時，向委員會揭露其利害關係；且

(b) 委員會應決定該委員得否參與委員會審議該項交易或業務之議程，以及得參與時之參與程度及（如有條件時之）限制條件。]

附則 2A 係依 2012 年金融服務法第 4 條第(2)項規定新增，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

附則 3　貨幣政策委員會

委員任期

1. 依本法第 13 條第(2)項第(b)款或第(c)款規定任命之貨幣政策委員會委員，其任期為 3 年。[但第 2B 點規定之情形除外。]

方括弧內之文字係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

2. […]

原文字依 2012 年金融服務法第 5 條規定刪除，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。
本次修正不影響（2012 年金融服務法附則 2 第 2 點第(11)項規定）生效前已任命委員之任期。

[2A 曾依本法第 13 條第(2)項第(c)款規定任命為委員 2 任以上者，不得再依該款規定任命為委員。]

第 2A 點新規定係依 2009 年銀行法第 243 條第(3)項規定新增，並自 2009 年 6 月 1 日生效。

[2B (1)財政大臣認為必要時，得於依本法第 13 條第(2)項第(c)款規定任命之委員 3 年任期屆滿前，延長其任期。但延長之任期不得超過 6 個月。

⑵ The term being extended may be the person's first or second term.

⑶ If a person whose first term of office is extended is subsequently re-appointed under section 13 ⑵(c) –

(a) the length of the second term is to be reduced by a period equal to the extension of the first term, but

(b) the second term may itself subsequently be extended under sub-paragraph ⑴.]

New paragraph 2B introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

3. [⑴] A person appointed under section 13 ⑵(b) or (c) may resign his office by written notice to the Bank.

[⑵ Where the notice relates to a person appointed under section 13 ⑵(c), the Bank must give a copy of the notice to the Treasury.]

New paragraph 3 ⑵ introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

4. [⑴…]

Previous wording in para 4 ⑴ omitted by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

[⑵ The terms and conditions on which a person holds office as a member of the Committee appointed under section 13 ⑵(c) are to be such as the Oversight Committee may determine.]

New wording in paragraph 4 ⑵ introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

⑶ […]

Wording in paragraph 4 ⑶ omitted by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.
The amendments made in paragraph 4 by the Financial Services Act 2012 do not affect the status of a person appointed before the commencement of those amendments during the remainder of the term for which the person has been appointed (paragraph 2 ⑾ Schedule 2 of the Financial Services Act 2012).

⑵延長任期得於該委員第 1 任或第 2 任任期為之。

⑶已延長第 1 任任期之委員，依本法第 13 條第⑵項第(c)款規定再任命為委員時：

(a)第 2 任任期應扣除相當於第 1 任所延長之期間；但

(b)第 2 任任期仍得依第⑴項規定延長。]

第 2B 點新規定係依 2012 年金融服務法第 5 條規定新增，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

3.[⑴]依本法第 13 條第⑵項第(b)款或第(c)款規定任命之委員，得以書面通知本行辭去其職位。

[⑵依本法第 13 條第⑵項第(c)款規定任命之委員為前項通知時，本行應向財政部提交該通知副本。]

第 3 點第⑵項新規定係依 2012 年金融服務法第 5 條規定增訂，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

4. [⑴…]

第 4 點第⑴項規定原文字係依 2012 年金融服務法第 5 條規定刪除，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

[⑵依本法第 13 條第⑵項第(c)款規定任命之委員，其任期及任職條件由監督委員會定之。]

第 4 點第⑵項規定新文字係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

[⑶…]

第 4 點第⑶項規定文字係依 2012 年金融服務法第 5 條規定刪除，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。
2012 年金融服務法對第 4 點之修正，不影響本次修正（2012 年金融服務法附則 2 第 2 點第⑾項規定）生效前已任命委員剩餘任期之法律地位。

Qualification for appointment

5. A person is disqualified for appointment under section 13 ⑵(b) or (c) if –
   (a) he is a Minister of the Crown, or a person serving in a government department in employment in respect of which remuneration is payable out of money provided by Parliament, or
   (b) he is a member of the court of directors of the Bank.

[5A A member of the Financial Policy Committee of the Bank appointed under section 9B ⑴(e) is disqualified for appointment under section 13 ⑵(c).]

New paragraph 5A introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

6. The fact that a person has held office under section 13 ⑵(b) or (c) does not disqualify him for further appointment to such office [(subject to paragraph 2A)].

Square bracketed wording in paragraph 6 introduced by 243 ⑷ of the Banking Act 2009, which came into force on 1 June 2009.

Removal of appointed members

7. A person appointed under section 13 ⑵(b) or (c) shall vacate office if he becomes a person to whom paragraph 5(a) or (b) applies.
8. A person appointed under section 13 ⑵(b) shall vacate office if he ceases to have executive responsibility within the Bank for monetary policy analysis or, as the case may be, monetary policy operations.
9. ⑴ The [Oversight Committee] may with the consent of the Chancellor of the Exchequer, remove a member appointed under section 13 ⑵(b) or (c) if it is satisfied –
   (a) that he has been absent from the [meetings of the Monetary Policy Committee] for more than 3 months without [that Committee's consent],
   (b) that he has become bankrupt, that his estate has been sequestrated or that he has made an arrangement with or granted a trust deed for his creditors, or
   (c) that he is unable or unfit to discharge his functions as a member.

任命資格

5. 下列人員不得依本法第 13 條第⑵項第(b)款或第(c)款規定任命為委員：
   (a)內閣閣員，或任職於政府機關且薪資由國會支付者；或
   (b)本行理事。

[5A 依本法第 9B 條第⑴項第(e)款規定任命之金融政策委員會委員，不得再依第 13 條第⑵項第(c)款規定任命為貨幣政策委員會委員。]

第 5A 點新規定係依 2012 年金融服務法第 5 條規定新增，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

6. 依本法第 13 條第⑵項第(b)款或第(c)款規定任命之委員得再任。[但應符合第 2A 點之規定。]

方括弧內之文字係依 2009 年銀行法第 243 條第⑷項規定增訂，並自 2009 年 6 月 1 日生效。

解　職

7. 依本法第 13 條第⑵項第(b)款或第(c)款規定任命之委員，接任第 5 點第(a)款或第(b)款之職位時，應辭去委員職位。
8. 依本法第 13 條第⑵項第(b)款規定任命之委員，對於本行貨幣政策分析事項或操作事項不再具有執行權限時，應辭去委員職位。
9. ⑴依本法第 13 條第⑵項第(b)款或第(c)款規定任命之委員，有下列情形之一者，[監督委員會]得經財政大臣同意予以解任：
   (a)未經[貨幣政策委員會]同意，超過 3 個月未出席[貨幣政策委員會會議]；
   (b)破產、財產被扣押或與其債權人訂定信託契約；
   (c)無法或不宜履行其委員職權。

(2)[…]

Amendments to paragraph 9 introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

Meetings

10.(1) The Committee shall meet at least once a month.

(2) The Governor of the Bank (or in his absence the Deputy Governor of the Bank […] for monetary policy) may summon a meeting at any time on giving such notice as in his judgment the circumstances may require.

Omitted wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

Proceedings

11. (1)At a meeting of the Committee, the proceedings shall be regulated as follows.

(2) The quorum shall be 6, of whom 2 must hold office as Governor or Deputy Governor of the Bank.

(3)The chair shall be taken by the Governor of the Bank or, if he is not present, the Deputy Governor of the Bank […] for monetary policy.

Omitted wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

(4) Decisions shall be taken by a vote of all those members present at the meeting.

(5) In the event of a tie, the chairman shall have a second casting vote.

(6) Subject to sub-paragraphs (2) to (5), the Committee shall determine its own procedure.

12. The Committee may, in relation to sub-paragraph (2), (3) or (4) of paragraph 11, determine circumstances in which a member who is not present at, but is in communication with, a meeting, is to be treated for the purposes of that sub-paragraph as present at it.

(2)[…]

第 9 點規定係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

會　議

10.(1)委員會會議每月應至少舉行 1 次。

(2)總裁（總裁缺席時為[…]負責貨幣政策之副總裁）認為必要時，得隨時通知召開會議。

刪除之文字係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

議事程序

11. (1)委員會會議之議事程序，依本點之規定。

(2)會議之法定人數為 6 人，其中 2 人應為總裁及副總裁。

(3)總裁為會議主席；總裁缺席時，由[…]負責貨幣政策之副總裁擔任主席。

刪除之文字係依 2012 年金融服務法第 5 條規定修正，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

(4)會議決議應由出席會議之全體委員以投票決定之。

(5)正反票數相同時，由會議主席決定之。

(6)委員會得依第(2)項至第(5)項規定，訂定議事程序。

12.委員會得認定未出席會議但以通訊表達意見之委員，視為已依第 11 點第(2)項、第(3)項或第(4)項規定出席會議之情形。

13. A representative of the Treasury may attend, and speak at, any meeting of the Committee.

[13A The Committee may invite other persons to attend, or to attend and speak at, any meeting of the Committee.]

New paragraph 13A introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

Report to court of directors of the Bank

14. The Committee shall submit a monthly report on its activities to the court of directors of the Bank.

Parliamentary disqualification

15. In Part III of Schedule I to the House of Commons Disqualification Act 1975 (other disqualifying offices), there is inserted at the appropriate place "Member of the Monetary Policy Committee of the Bank of England appointed under section 13 (2)(b) or (c) of the Bank of England Act 1998;" and a corresponding amendment is made in Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

SCHEDULE 4
TRANSFER OF FUNCTIONS: SUPPLEMENTARY PROVISIONS

Schedule 4 has not been reproduced in this booklet.

SCHEDULE 5
TRANSFER OF FUNCTIONS: CONSEQUENTIAL AMENDMENTS

Schedule 5 has not been reproduced in this booklet. Paragraphs 1 to 35, 39, 44, 45, 47, 52 to 59, 61, 65, 66 and 68 were repealed by article 162 of SI 2001 No.3649. Para 42 was repealed by the Charities Act 2011. Para 62 was repealed by the Companies (Audit, Investigations and Community Enterprise) Act 2004, section 64 and Schedule 8. Para 63 was repealed by Art 2 and Sch 2 of The Companies Act 2006 (Consequential

13.財政部代表得列席委員會會議，並表示意見。

[13A 委員會得邀請其他人員列席會議，或列席會議並表示意見。]

第 13A 點新規定係依 2012 年金融服務法第 5 條規定新增，其中有關任命之規定自 2013 年 2 月 19 日生效，其他規定自 2013 年 4 月 1 日生效。

向理事會報告

14.委員會應按月向理事會提出業務報告。

國會之取消資格

15.1975 年下議院不適格法（其他不適格職位）附則 1 第 3 章，於適當處增訂「依 1998 年英格蘭銀行法第 13 條第(2)項第(b)款或第(c)款規定任命之貨幣政策委員會委員」；1975 年北愛爾蘭下議院不適格法附則 1 第 1 章至第 3 章規定並配合修正。

附則 4　職權移轉：補充條款

附則 4 規定本次版本未重製。

附則 5　職權移轉：後續修正

附則 5 規定本次版本未重製。第 1 點至第 35 點、第 39 點、第 44 點、第 45 點、第 47 點、第 52 點至第 59 點、第 61 點、第 65 點、第 66 點及第 68 點規定係依 SI 2001 第 3649 號命令第 162 條規定廢止。第 42 點規定係依 2011 年慈善事業法廢止。第 62 點規定係依 2004 年公司法（審計、調查及社區企業）第 64 條及附則 8 規定廢止。第 63 點規定係依 2006 年公司法（後續修正、過渡條款及節省之費用）之 2009 年（SI 2009 第 1941

Amendments, Transitional Provisions and Savings) Order 2009 (SI 2009 No 1941). Para 71 was repealed by the Pensions Act 2004, section 320 and Schedule 13. Schedule 6 (Banking Supervision Fees) was repealed by article 162 of SI 2001 No. 3649.

SCHEDULE 7
RESTRICTION ON DISCLOSURE OF INFORMATION

Restricted information

1. (1) Subject to sub-paragraph (2), information is restricted information for the purposes of this paragraph if –

(a) it is obtained by the Bank by virtue of the power conferred by section 17(l) or paragraph 9 of Schedule 2 (whether or not it was obtained pursuant to a notice under that provision), and

(b) it relates to the business or other affairs of any person.

(2) Information is not restricted information for the purposes of this paragraph if –

(a) it has been made available to the public from other sources, or

(b) it is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it.

(3) Except as permitted by the following provisions of this Schedule, restricted information shall not be disclosed by –

(a) the Bank or any officer or [employee] of the Bank, or

(b) any person obtaining the information directly or indirectly from the Bank,

without the consent of the person from whom the Bank obtained the information and, if different, the person to whom the information relates.

Square-bracketed wording in paragraph 1 (3) introduced by section 5 of the Financial Services Act 2012, which came into force on 1 April 2013.

(4) Any person who discloses information in contravention of this paragraph shall be guilty of an offence and liable –

號）命令第 2 條及附則 2 規定廢止。第 71 點規定係依 2004 年退休金法第 320 條及附則 13 規定廢止。
附則 6（銀行監理費用）規定係依 SI 2001 第 3649 號命令第 162 條規定廢止。

附則 7　資料揭露之限制

受限制之資料

1. (1)除第(2)項規定之情形外，符合下列條件之資料，為本點規定所稱受限制之資料：

(a)本行藉由本法第 17 條第(1)項或附則 2 第 9 點規定所賦予之權限所蒐集（不論是否依前開規定所為之通知而蒐集）；且

(b)涉及任何人之業務或其他事項。

(2)符合下列條件之資料，非屬本點規定所稱受限制之資料：

(a)已於其他來源公開；或

(b)該資料係以摘要或彙整方式呈現，且無從識別屬特定之人。

(3)除本附則另有規定外，未經資料提供者及與該資料內容有關人員之同意（如與資料提供者不同時），下列人員不得揭露受限制之資料：

(a)本行或本行之職員或[受僱人員]；或

(b)直接或間接透過本行取得該資料之人。

第 1 點第(3)項方括弧內之文字係依 2012 年金融服務法第 5 條規定修正，並自 2013 年 4 月 1 日生效。

(4)違反本點規定揭露資料者構成犯罪，應依下列規定處罰：

(a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding the statutory maximum, or to both.

Disclosure for the purposes of the Bank's functions

2. (1) Paragraph 1 does not preclude the disclosure of information in any case in which disclosure is for the purpose of enabling or assisting the Bank to discharge –

(a) its functions as a monetary authority,

(b) its functions as a supervisor of systems for the transfer of funds between credit institutions and their customers, or

(c) its functions under Schedule 2.

[(2)"Credit institution" means an undertaking whose business is to receive deposits or other repayable funds from the public and to grant credits for its own account.]

Previous wording in paragraph 2 (2) replaced by article 164 (2) of SI 2001 No.3649.

Disclosure by the Bank to other authorities

3. (1) Paragraph 1 does not preclude the disclosure by the Bank of information to any authority specified in the first column of the following Table if the Bank considers that the disclosure would enable or assist that authority to discharge any of the functions specified in relation to it in the second column of that Table.

(a)經起訴審判程序定罪者，處 2 年以下有期徒刑，或科或併科罰金；

(b)經簡易審判程序定罪者，處 3 個月以下有期徒刑，或科或併科法定最高額度以下之罰金。

為達成本行職權之揭露

2. (1)本行為執行下列職權所必需，或有利於本行行使下列職權所為之資料揭露，不受第 1 點規定之限制：

(a)作為貨幣主管機關之職權；

(b)作為信貸機構與其顧客間資金移轉系統監管機關之職權；或

(c)附則 2 所定之職權。

[(2)「信貸機構」係指向大眾吸收存款或其他可償還資金，並為自己利益提供信用之業者。]

第 2 點第(2)項規定原文字係依 SI 2001 第 3649 號命令第 164 條第(2)項規定修正。

本行對其他機關之揭露

3. (1)本行認定揭露資料為附表第 1 欄所列之機關行使第 2 欄所列之職權所必需，或有利於其行使前述職權時，得揭露該資料，不受第 1 點規定之限制：

TABLE

Authority	Functions
[The Treasury.	Functions under the Financial Services and Markets Act 2000.
The Secretary of State.	Functions under the Financial Services and Markets Act 2000.
An inspector appointed under Part 14 of the Companies Act 1985 [⋯].	Functions under that Part.
A person authorised to exercise powers or appointed under section 447 of the Companies Act 1985 [⋯] or section 84 of the Companies Act 1989.	Functions under that section [or Article].
A person appointed under – (a) section 167 of the Financial Services and Markets Act 2000, (b) subsection (3) or (5) of section 168 of that Act, or (c) section 284 of that Act, to conduct an investigation.	Functions in relation to that investigation.
The [Financial Conduct Authority or the Prudential Regulation Authority].	Functions under the legislation relating to friendly societies, the Building Societies Act 1986, Part 7 of the Companies Act 1989 or the Financial Services and Markets Act 2000.
[The Chancellor of the Exchequer (or any person to whom any functions of the Chancellor of the Exchequer under the Statistics of Trade Act 1947 are delegated)]	Functions under the Statistics of Trade Act 1947.
[The Pensions Regulator.	Functions conferred by or by virtue of – (a) the Pension Schemes Act 1993, (b) the Pensions Act 1995, (c) the Welfare Reform and Pensions Act 1999, (d) the Pensions Act 2004, or (e) any enactment in force in Northern Ireland corresponding to an enactment mentioned in paragraphs (a) to (d) above.]]

附　表

機關	職權
[財政部	2000 年金融服務及市場法所賦予之職權。
大臣	2000 年金融服務及市場法所賦予之職權。
依 1985 年公司法[⋯]第 14 章規定指派之檢查人	該章所賦予之職權。
依 1985 年公司法[⋯]第 447 條或 1989 年公司法第 84 條規定授權行使職權或指派之人	該條所賦予之職權。
依下列規定指派從事調查之人： (a)2000 年金融服務及市場法第 167 條； (b)前述法律第 168 條第(3)項或第(5)項；或 (c)前述法律第 284 條。	關於前述調查之職權。
[金融督導局或審慎監理局]	與互助社、1986 年建築信用合作社法、1989 年公司法第 7 章或 2000 年金融服務及市場法有關之立法所賦予之權限。
[財政大臣 (或受委任行使 1947 年貿易統計法所賦予財政大臣職權之人)]	1947 年貿易統計法所賦予之職權。
[退休金管理者	依下列規定所賦予之職權： (a)1993 年退休金計畫法； (b)1995 年退休金法； (c)1999 年福利改革與退休金法； (d)2004 年退休金法；或 (e)北愛爾蘭相應於第(a)款至第(d)款規定所列法律之現行法。]]

Previous Table in paragraph 3 (1) replaced by article 164 (3) of SI 2001 No.3649.
Square-bracketed wording in the third and fourth entries above (relating to inspectors appointed under Part 14 of the Companies Act 1985 and persons authorised to exercise powers under section 447 of that Act) repealed by Art 2 and Sch 1, para 172 of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (SI 2009 No 1941).
The reference to the Financial Conduct Authority and the Prudential Regulation Authority was introduced by section 114 (1) of the Financial Services Act 2012, which came into force on 1 April 2013.
The reference to The Chancellor of the Exchequer (or any person to whom any functions of the Chancellor of the Exchequer under the Statistics of Trade Act 1947 are delegated) was introduced by section 46 and Schedule 2, para 7 of the Statistics and Registration Service Act 2007 by virtue of The Statistics and Registration Service Act 2007 (Commencement No. 2 and Transitional Provision) Order 2008 (SI 2008 No.839).
The reference to the Pensions Regulator was introduced by section 319 (1) and Schedule 12, para 70 of the Pensions Act 2004.

(2) The Treasury may by order amend the Table in sub-paragraph (1) by –

(a) adding any public or other authority and specifying functions in relation to it,

(b) removing any authority for the time being specified in the Table, or

(c) altering the functions for the time being specified in the Table in relation to any authority.

(3) The Treasury may by order restrict the circumstances in which, or impose conditions subject to which, disclosure is permitted in the case of any authority for the time being specified in the Table.

(4) Before making an order under this paragraph, the Treasury shall consult the Bank.

Onward disclosure

4. (1) Paragraph 1 does not preclude the disclosure by any authority specified in the first column of the Table in paragraph 3(l) of information obtained by it by virtue of that provision if it makes the disclosure –

(a) with the consent of the Bank, and

第 3 點第(1)項原附表係依 SI 2001 第 3649 號命令第 164 條第(3)項規定取代。
第 3 列及第 4 列方括弧內之文字（關於依 1985 年公司法第 14 章規定指派之檢查人及同法第 447 條規定授權行使職權或指派之人）係依 2006 年公司法（後續修正、過渡條款及節省之費用）之 2009 年（SI 2009 第 1941 號）命令第 2 條及附則第 172 點規定廢止。
援引之金融督導局或審慎監理局係依 2012 年金融服務法第 114 條第(1)項規定修正，並自 2013 年 4 月 1 日生效。
援引之財政大臣（或受任行使 1947 年貿易統計法所賦予財政大臣職權之人）係依 2007 年統計及登記服務法第 46 條及附則 2 第 7 點規定修正，並依 2007 年統計及登記服務法（第 2 號開始及過渡條款）之 2008 年（SI 2008 第 839 號）命令，自 2008 年 4 月 1 日生效。
援引之退休金管理者規定係依 2004 年退休金法第 319 條第(1)項及附則 12 第 70 點規定修正。

(2)財政部得以命令對第(1)項之附表作下列修正：

(a)增列公務機關或其他機關，並明列其相關職權；

(b)刪除該附表當前所列之機關；或

(c)修改該附表當前所列機關之職權。

(3)財政部得以命令對該附表當前所列之機關，限制其揭露情形或附加其揭露條件。

(4)財政部依本點規定發布命令前，應先洽商本行意見。

進一步之揭露

4. (1)第 3 點第(1)項附表第 1 欄所列之機關依該項規定蒐集資料時，該機關於下列情形得揭露該資料，不受第 1 點規定之限制：

(a)經本行同意；且

(b) for the purpose of enabling or assisting it to discharge any functions specified in relation to it in the second column of that Table.

(2) Before deciding whether to give its consent to disclosure under this paragraph, the Bank shall take account of such representations as the authority proposing to make the disclosure may make about the desirability of or necessity for the disclosure.

Other permitted disclosures

5. Paragraph 1 does not preclude the disclosure of information –

(a) with a view to the institution of, or otherwise for the purposes of, any proceedings in connection with a payment due under Schedule 2 (payment in lieu of cash ratio deposit),

(b) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings, whether under this Act or otherwise, or

(c) in pursuance of any [EU] obligation.

In relation to paragraph 5 see also section 17 and Schedule 4 of the Anti-terrorism, Crime and Security Act 2001. Square-bracketed reference to EU in para 5(c) introduced by Article 6 (1)(e) of SI 2011 No.1043.

SCHEDULE 8
TRANSITIONAL PROVISIONS AND SAVINGS

Paragraphs 1 to 5 and paragraph 7 of Schedule 8 were repealed by article 162 of SI 2001 No.3649. Paragraph 6 of Schedule 8 has not been reproduced in this booklet.

SCHEDULE 9
REPEALS AND REVOCATIONS

Part 1 (Repeals) (part of which was repealed by article 162 of SI 2001 No.3649) has not been reproduced in this booklet.
Part II (Revocations) was repealed by article 162 of SI 2001 No.3649.

(b) 其揭露係行使該附表第 2 欄所列之職權所必需，或有利於其行使前述職權。

(2)本行依本點規定行使揭露之同意權前，應考量該機關就擬為揭露行為所表明之需求或必要性。

其他可揭露之情形

5. 第 1 點規定未限制基於下列目的所為之資料揭露：

(a)為涉及依附則 2（以付款代替現金比率存款）有關應付款規定所生訴訟程序之機構，或為該應付款訴訟程序之目的；

(b)為涉及依本法或其他法令規定所生刑事訴訟程序之機構；或為刑事訴訟程序之目的，或

(c)依[歐盟]義務。

關於第 5 點規定並參考 2001 年反恐怖主義、犯罪及安全法第 17 條及附則 4 規定。第 5 點第(c)款方括弧內所援引之歐盟等字，係依 SI 2011 第 1043 號命令第 6 條第(1)項第(e)款規定修正。

附則 8　過渡條款及存款

附則 8 第 1 點至第 5 點及第 7 點規定係依 SI 2001 第 3649 號命令第 162 條規定廢止。附則 8 第 6 點規定本次版本未重製。

附則 9　廢止

第 1 章規定（廢止）（部分規定係依 SI 2001 第 3649 號命令第 162 條規定廢止）本次版本未重製。
第 2 章規定（廢止）係依 SI 2001 第 3649 號命令第 162 條規定廢止。

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64	美國聯邦準備法	美國（含聯準法及相關法規）（1國）
65	各國中央銀行法選譯	加拿大、英國、法國、義大利、日本、印尼、印度、約旦、韓國、泰國（10國）
81	各國中央銀行法選譯（第一輯）	英國、德國、法國、瑞士、瑞典、丹麥、比利時、日本、韓國、新加坡、泰國、澳洲、紐西蘭（13國）（附我國央行法）
82	各國中央銀行法選譯（第二輯）	美國（含聯準法及相關法規）、加拿大（2國）
92	各國中央銀行法選譯（九十二年版）	歐盟及歐洲央行、德國、英國、法國、瑞士、瑞典、芬蘭、日本、韓國、新加坡、馬來西亞、澳洲、加拿大、墨西哥（14國）（附我國央行法、日本及韓國央行法原文）
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98	各國中央銀行法選譯（續編）	義大利、荷蘭、比利時、盧森堡、葡萄牙、捷克、巴西、俄羅斯、印度、菲律賓（10國）（附我國央行法）
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