



Current Legislative and Regulatory Activity



January 30, 2012

No. 112-43

For the period ending January 28, 2012

NOTE: The House and Senate were largely in pro-forma sessions during January, 2012.

SELECTED FLOOR/CHAMBER ACTIONS:

IN JOINT SESSION OF CONGRESS: On January 24, 2012, President Barack Obama delivered his State of the Union address to a joint session of Congress, pursuant to the provisions of H.Con. Res. 96. He was escorted into the House Chamber by a committee comprised of Representatives Cantor, McCarthy (CA), Hensarling, Sessions, Price (GA), McMorris Rodgers, Carter, Pelosi, Hoyer, Larson (CT), Becerra, Clyburn, Israel, and Sutton and Senators Reid, Durbin, Schumer, Murray, Stabenow, Begich, McConnell, Kyl, Alexander, Barrasso, Thune, Cornyn, and Blunt. The President's message was referred to the Committee of the Whole House on the State of the Union and ordered to be printed (H. Doc. 112-76). See v. 158 Cong. Rec., Pages H151-56 at <http://thomas.loc.gov/cgi-bin/query/R?r112:FLD001:H50152>.

ON THE FLOOR OF THE SENATE: On January 24, 2012, the Senate received the nomination of Jeremy C. Stein, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2004; and that of Jerome H. Powell, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

ON THE FLOOR OF THE SENATE: On January 26, 2012, the Senate began consideration of motion to proceed to consideration of H.J. Res. 98, relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on January 12, 2012. However, during consideration of this measure, the Senate by 44 yeas to 52 nays (Vote No. 2), Senate did not agree to the motion to proceed to consideration of the joint resolution. See v. 158 Cong. Record, pages S83-S95, January 26, 2012 and <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.j.r.98>.

ON THE FLOOR OF THE SENATE: On January 26, 2012, the Senate began consideration of the motion to proceed to consideration of the Stop Trading on Congressional Knowledge (STOCK) Act, S. 2038, a bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit. A motion to close debate is scheduled for Monday, January 30, 2012. See v. 158 Cong. Rec. S120, S 137, January 26, 2012 and <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:s.2038>.

SELECTED COMMITTEE ACTIONS/HEARINGS:

HOUSE COMMITTEE ON FINANCIAL SERVICES: On January 18, 2012, the Subcommittee on Capital Markets and Government Sponsored Enterprises; and Subcommittee on Financial Institutions and Consumer Credit held a joint hearing entitled "Examining the Impact of the Volcker Rule on Markets, Businesses, Investors and Job Creation." Testimony was heard from Daniel K. Tarullo, Governor, Board of Governors of the Federal Reserve System; Mary Schapiro, Chairman, Securities and Exchange Commission; Gary Gensler, Chairman, Commodity Futures Trading Commission; Martin J. Gruenberg, Acting Chairman, Federal Deposit Insurance Corporation; John Walsh, Acting Comptroller of the Currency, Office of the Comptroller of the Currency; and public witnesses. See webcast and other information at <http://financialservices.house.gov/Calendar/EventSingle.aspx?EventID=274322>.

HOUSE COMMITTEE ON AGRICULTURE: On January 25, 2012, the full Committee held a markup and approved without amendment H.R. 1840, a bill to improve consideration by the Commodity Futures Trading Commission of the costs and benefits of its regulations and orders. The Committee also marked up and approved with amendment the following bills, H.R. 2682, the "Business Mitigation and Price Stabilization Act of 2011"; H.R. 2779, to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act; H.R. 2586, the "Swap Execution Facility (SEF) Clarification Act"; H.R. R. 3336, the "Small Business Credit Availability Act"; H.R. 3527, the "Protecting Main Street End-Users from Excessive Regulation". See <http://agriculture.house.gov/hearings/markupDetails.aspx?NewsID=1501>.

HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM: On January 24, 2012, the Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs held a hearing entitled "How Will the CFPB Function Under Richard Cordray?" Testimony was heard from Richard Cordray, Director, Consumer Financial Protection Bureau. See http://oversight.house.gov/index.php?option=com_content&view=article&id=1569%3A1-24-2012-qhow-will-the-cfpb-function-under-richard-cordrayq&catid=34&Itemid=39.

SELECTED MEASURES INTRODUCED IN THE HOUSE:

By Mrs. BLACK, R-TN (for herself and 114 cosponsors):

H. Res. 509. A resolution disapproving of the President's appointment of four officers or employees of the United States during a period when no recess of the Congress for a period of more than three days was authorized by concurrent resolution and expressing the sense of the House of Representatives that those appointments were made in violation of the Constitution; to the Committee on the Judiciary. Introduced January 10, 2012. See <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.res.00509:>.

By Mr. LANDRY, R-LA (for himself and 42 cosponsors):

H.R. 3770. A bill to amend title 5, United States Code, to provide that payment for services may not be made to an individual appointed during a recess of the Senate to fill a vacancy in an existing office, if the vacancy existed while the Senate was in session and was by law required to

be filled by and with the advice and consent of the Senate, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and the Workforce and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. Introduced January 13, 2012. See <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.r.3770>.

By Mr. LAMBORN, R-CO:

H.R. 3778. A bill to amend the Congressional Budget Act of 1974 to establish a point of order to prohibit the extension of the public debt limit unless a concurrent resolution on the budget has been agreed to and is in effect; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. Introduced January 18, 2012. See <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.r.3778>.

By Mr. OWENS, D-NY:

H.R. 3779. A bill to hold accountable Federal departments and agencies that fail to meet goals relating to the participation of small business concerns in procurement contracts, to authorize Federal departments and agencies to give preference to small business concerns when procuring goods or services, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. Introduced January 18, 2012. See <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.r.3779>.

By Mr. ISSA, R-CA (for himself and 25 cosponsors):

H.R. 3782. A bill to amend the Tariff Act of 1930 to address unfair trade practices relating to infringement of copyrights and trademarks by certain Internet sites, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. Introduced January 18, 2012. See <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.r.3782>.

By Mr. BRALEY, D-IA:

H.R. 3786. A bill to ensure clarity of regulations to improve the effectiveness of Federal regulatory programs while decreasing burdens on the regulated public; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. Introduced January 18, 2012. See <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.r.3786>.

By Mr. CICILLINE, D-RI (for himself and three cosponsors):

H.R. 3787. A bill to amend the Congressional Budget Act of 1974 to require a jobs score for each spending bill considered in Congress; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned. Introduced January 18, 2012. See <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.r.3787:>.

By Ms. DELAURO, D-CT:

H.R. 3789. A bill to amend the Truth in Lending Act to establish clear regulatory standards for mortgage servicers, and for other purposes; to the House Committee on Financial Services. Introduced January 18, 2012. See <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.r.3789:>.

By Mr. MEEKS, D-NY:

H.R. 3791. A bill to amend the Securities Exchange Act of 1934 to require annual disclosures relating to the compensation brackets in which an issuer's minority and women employees reside; to the House Committee on Financial Services. Introduced January 18, 2012. See <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.r.3791:>.

By Mr. ROSS, R-FL:

H.R. 3813. A bill to amend title 5, United States Code, to secure the annuities of Federal civilian employees, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. Introduced January 24, 2012. See <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.r.03813:>.

SELECTED MEASURES INTRODUCED IN THE SENATE:

By Mr. MCCONNELL, R-KY (for himself and 32 cosponsors):

S.J. Res. 34. A joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on January 12, 2012; placed on the calendar. Introduced January 23, 2012. See text and summary at <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:s.j.res.00034:>.

By Mr. LIEBERMAN, R-CT:

S. 2038. An original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; from the Committee on Homeland Security and Governmental Affairs; placed on the calendar. Introduced January 26, 2012. <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:s.2038:>.

By Mr. LEE, D-CA (for himself and 10 cosponsors):

S. 2040. A bill to amend the Congressional Budget Act of 1974 to establish a point of order to prohibit an increase or other modification of the public debt limit unless a concurrent resolution on the budget has been agreed to and is in effect; to the Committee on Finance. Introduced January 26, 2012. See <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:s.2040:>.

SELECTED STUDIES/REPORTS PRESENTED TO CONGRESS:

GOVERNMENT ACCOUNTABILITY OFFICE: The GAO released a report entitled Bank Holding Company Act: Characteristics and Regulation of Exempt Institutions and the Implications of Removing the Exemptions. GAO-12-160, January 18, 2012, 64 pages. See <http://www.gao.gov/products/GAO-12-160>.

GOVERNMENT ACCOUNTABILITY OFFICE: The GAO released a report entitled Dodd-Frank Act: Hybrid Capital Instruments and Small Institution Access to Capital. GAO-12-237, January 18, 2012, 87 pages. <http://www.gao.gov/products/GAO-12-237>.

GOVERNMENT ACCOUNTABILITY OFFICE: The GAO released a report entitled Real Estate Appraisals: Appraisal Subcommittee Needs to Improve Monitoring Procedures. GAO-12-147, January 18, 2012, 72 pages. See <http://www.gao.gov/products/GAO-12-147>. See also related product entitled Real Estate Appraisals: Survey of State Appraiser Regulatory Agencies, an E- supplement to GAO-12-147 at <http://www.gao.gov/special.pubs/gao-12-198sp/>.

GOVERNMENT ACCOUNTABILITY OFFICE: The GAO released a report entitled Credit Rating Agencies: Alternative Compensation Models for Nationally Recognized Statistical Rating Organizations. GAO-12-240, January 18, 2012, 40 pages. See <http://www.gao.gov/products/GAO-12-240>.

GOVERNMENT ACCOUNTABILITY OFFICE: The GAO released a report entitled Bank Capital Requirements: Potential Effects of New Changes on Foreign Holding Companies and U.S. Banks Abroad. GAO-12-235, January 17, 2012, 57 pages. See <http://www.gao.gov/products/GAO-12-235>.

CONGRESSIONAL RESEARCH SERVICE – LIBRARY OF CONGRESS: The CRS released a report by Raymond J. Ahearn entitled The Future of the Eurozone and U.S. Interests. R41411. Updated January 17, 2012. 28 pages. The report is available from a member of Congress or possibly from <http://OpenCRS.com> and also available by subscription from certain commercial services (Proquest, CQ, DSCS) and by credit card from <http://www.pennyhill.com/>. Board employees may contact the Law Library for a copy.

CONGRESSIONAL RESEARCH SERVICE – LIBRARY OF CONGRESS: The CRS released a report by Craig K. Elwell entitled Deflation: Economic Significance, Current Risk, and Policy Responses. R40512. Updated January 12, 2012. 17 pages. The report is available from a member of Congress or possibly from <http://OpenCRS.com> and also available by subscription from certain commercial services (Proquest, CQ, DSCS) and by credit card from <http://www.pennyhill.com/>. Board employees may contact the Law Library for a copy.

CONGRESSIONAL RESEARCH SERVICE – LIBRARY OF CONGRESS: The CRS released a report by Katie Jones entitled Preserving Homeownership: Foreclosure Prevention Initiatives. R40210. Updated January 12, 2012. 50 pages. The report is available from a member of Congress or possibly from <http://OpenCRS.com> and also available by subscription

from certain commercial services (Proquest, CQ, DSCS) and by credit card from <http://www.pennyhill.com/>. Board employees may contact the Law Library for a copy.

CONGRESSIONAL RESEARCH SERVICE – LIBRARY OF CONGRESS: The CRS released a report by D. Andrew Austin entitled The Debt Limit: History and Recent Increases. R40210. Updated January 12, 2012. 31 pages. The report is available from a member of Congress or possibly from <http://OpenCRS.com> and also available by subscription from certain commercial services (Proquest, CQ, DSCS) and by credit card from <http://www.pennyhill.com/>. Board employees may contact the Law Library for a copy.

CONGRESSIONAL RESEARCH SERVICE – LIBRARY OF CONGRESS: The CRS released a report by M. Maureen Murphy entitled Privacy Protection for Customer Financial Information. RS20185. Updated January 12, 2012. 7 pages. The report is available from a member of Congress or possibly from <http://OpenCRS.com> and also available by subscription from certain commercial services (Proquest, CQ, DSCS) and by credit card from <http://www.pennyhill.com/>. Board employees may contact the Law Library for a copy.

SELECTED FEDERAL REGULATORY ACTIONS:

OFFICE OF THE COMPTROLLER OF THE CURRENCY, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, FEDERAL DEPOSIT INSURANCE CORPORATION, NATIONAL CREDIT UNION ADMINISTRATION, STATE LIAISON COMMITTEE: On January 13, 2012, the above agencies issued a clarification entitled Interagency Advisory on Interest Rate Risk Management: Frequently Asked Questions. See announcement and attachments at <http://www.federalreserve.gov/bankinfo/srletters/sr1202.htm#access>.

COMMODITY FUTURES TRADING COMMISSION: The CFTC) has adopted regulations under the Commodity Exchange Act (Act or CEA) that establish the process for the registration of swap dealers (SDs) and major swap participants (MSPs, and collectively with SDs, Swaps Entities) and that require Swaps Entities to become and remain members of a registered futures association (RFA). The Commission is also adopting regulations that define an "associated person" of an SD or MSP as a natural person and that implement the prohibition on a Swaps Entity permitting an associated person who is statutorily disqualified from registration from effecting or being involved in effecting swaps on behalf of the Swaps Entity. The Commission is adopting these regulations in accordance with section 4s of the CEA, which was recently added to the CEA by the Dodd-Frank Wall Street Reform and Consumer Protection Act. The rule is effective March 19, 2012. See v. 77 Fed. Register, pages 2613-2629, January 19, 2012 (FR Doc 2012-792 - <http://www.gpo.gov/fdsys/pkg/FR-2012-01-19/pdf/2012-792.pdf>).

FEDERAL DEPOSIT INSURANCE CORPORATION: The FDIC is adopting this final rule requiring an insured depository institution with \$50 billion or more in total assets to submit periodically to the FDIC a contingent plan for the resolution of such institution in the event of its failure ("Resolution Plan"). The Rule establishes the requirements for submission and content of a Resolution Plan, as well as procedures for review by the FDIC. The Rule requires a covered insured depository institution to submit a Resolution Plan that should enable

the FDIC, as receiver, to resolve the institution under Sections 11 and 13 of the Federal Deposit Insurance Act, 12 U.S.C. 1821 and 1823, in a manner that ensures that depositors receive access to their insured deposits within one business day of the institution's failure (two business days if the failure occurs on a day other than Friday), maximizes the net present value return from the sale or disposition of its assets and minimizes the amount of any loss to be realized by the institution's creditors. The Interim Final Rule, which preceded this Rule, was effective January 1, 2012, and remains in effect until superseded by this Rule on April 1, 2012. The Rule is effective April 1, 2012. See v. 77 Fed. Register, pages 3075-3088, January 23, 2012 (FR Doc 2012-1136 - <http://www.gpo.gov/fdsys/pkg/FR-2012-01-23/pdf/2012-1136.pdf>).

FEDERAL DEPOSIT INSURANCE CORPORATION: The FDIC has issued a proposed rule that implements the requirements in Section 165(i) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the "Dodd-Frank Act") regarding stress tests. The proposed rule would implement section 165(i)(2) by requiring state nonmember banks and state savings associations supervised by the Corporation with total consolidated assets of more than \$10 billion to conduct annual stress tests in accordance with the proposed rule, report the results of such stress tests to the Corporation and the Board of Governors of the Federal Reserve System at such time and in such a form containing the information required by the Corporation, and publish a summary of the results of the required stress tests. Comments should be received on or before March 23, 2012. See v. 77 Fed. Register, pages 3166-3172, January 23, 2012 (FR Doc 2012-1135 - <http://www.gpo.gov/fdsys/pkg/FR-2012-01-23/pdf/2012-1135.pdf>).

OFFICE OF THE COMPTROLLER OF THE CURRENCY - DEPARTMENT OF THE TREASURY: The OCC proposed a rule that would implement section 165(i) of the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank Act") which requires certain companies to conduct annual stress tests pursuant to regulations prescribed by their respective primary financial regulatory agencies. Specifically, this proposed rule would require national banks and Federal savings associations with total consolidated assets of more than \$10 billion to conduct an annual stress test as prescribed by this proposed rule. In addition to the annual stress test requirement, such institutions would be subject to certain reporting and disclosure requirements. Comments must be received by March 26, 2012. See v. 77 Fed. Register, pages 3408-3415, January 24, 2012 (FR Doc 2012-1274 - <http://www.gpo.gov/fdsys/pkg/FR-2012-01-24/pdf/2012-1274.pdf>).

FEDERAL HOUSING FINANCE AGENCY: The FHFA has issued an Advance Notice of Proposed Rulemaking ("ANPR") concerning mortgage assets affected by Property Assessed Clean Energy ("PACE") programs and Notice of Intent to prepare an environmental impact statement under the National Environmental Policy Act to address the potential environmental impacts of FHFA's proposed action. The United States District Court for the Northern District of California issued a preliminary injunction ordering FHFA "to proceed with the notice and comment process" in adopting guidance concerning mortgages that are or could be affected by PACE programs. Specifically, the California District Court ordered FHFA to "cause to be published in the Federal Register an Advance Notice of Proposed Rulemaking relating to the statement issued by FHFA on July 6, 2010, and the letter directive issued by FHFA on February 28, 2011, that deal with property assessed clean energy (PACE) programs." In response to and compliance with the California District Court's order, FHFA is seeking comment on

whether the restrictions and conditions set forth in the July 6, 2010 Statement and the February 28, 2011 Directive should be maintained, changed, or eliminated, and whether other restrictions or conditions should be imposed. Written comments must be received on or before March 26, 2012. See v. 77 Fed. Register, pages 3956-3964, January 26, 2012 (FR Doc 2012-1345 - <http://www.gpo.gov/fdsys/pkg/FR-2012-01-26/pdf/2012-1345.pdf>).

BUREAU OF CONSUMER FINANCIAL PROTECTION: The CFPB is soliciting comments concerning the currently approved information collections associated with certain recently published interim final rules. This notice is published by the CFPB as part of its continuing effort to reduce paperwork and respondent burden. The public and other Federal agencies are invited to take this opportunity to comment on this information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. The information collection include those under the Fair Credit Reporting Act (Regulation V) 12 CFR Part 1022; the Truth in Savings (Regulation DD) 12 CFR 1030; the Secure and Fair Enforcement for Mortgage Licensing Act (Regulation G) 12 CFR Part 1007; Mortgage Assistance Relief Services (Regulation O) 12 CFR Part 1015; the Home Mortgage Disclosure Act (Regulation C) 12 CFR Part 1003; Mortgage Acts and Practices (Regulation N) 12 CFR Part 1014; Privacy of Consumer Financial Information (Regulation P) 12 CFR Part 1016; Interstate Land Sales Full Disclosure Act (Regulations J, K, and L) 12 CFR Part 1010; the Equal Credit Opportunity Act (Regulation B) 12 CFR Part 1002; the Electronic Fund Transfer Act (Regulation E) 12 CFR Part 1005; the Truth in Lending Act (Regulation Z) 12 CFR Part 1026; and the Real Estate Settlement Procedures Act (Regulation X) 12 CFR Part 1024. Comments must be received on or before March 19, 2012 to be assured of consideration. See v. 77 Fed. Register, pages 2685-2689, January 19, 2012 (FR Doc 2012-988 - <http://www.gpo.gov/fdsys/pkg/FR-2012-01-19/pdf/2012-988.pdf>).

HOW TO OBTAIN DOCUMENTS:

Most of the legislative and regulatory material noted above can be obtained on the Internet (see link after each item) through the United States Government Printing Office via FDsys (<http://www.gpo.gov/fdsys/>) or through THOMAS (<http://thomas.loc.gov>), the legislative database of the Library of Congress. Congressional hearings are normally published several months after a hearing occurs, but prepared statements of witnesses, as well as archived Webcasts, can be obtained on most committee Web sites. Board prepared statements before Congress and press releases on its regulatory actions are available on the Board's public Web site (<http://www.federalreserve.gov/newsevents/>). Selected unofficial transcripts of congressional hearings may also be available on certain commercial databases.

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