



Current Legislative and Regulatory Activity



United States
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September 10, 2018

No. 115-69

For the period ending September 8, 2018

NOTE: Except for pro-forma sessions, the House, beginning on July 27, has largely adjourned until after Labor Day, but the Senate was still in session on a modified basis.

SELECTED PUBLIC LAWS ENACTED:

PUBLIC LAW 115-237: On September 4, 2018, the President approved [S. 717](#), [Pro bono Work to Empower and Represent Act of 2018](#) (132 Stat. 2447; 3 pages). The long title states: “to promote pro bono legal services as a critical way in which to empower survivors of domestic violence. “

SELECTED HOUSE AND SENATE FLOOR ACTIONS:

ON THE FLOOR OF THE SENATE: On August 28, 2018, by 69 yeas to 26 nays (Vote No. EX. 197), the Senate confirmed the nomination of [Richard Clarida, of Connecticut, to be Vice Chairman of the Board of Governors of the Federal Reserve System](#) for a term of four years, and also to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2008. See v. 164 Cong. Record, pages S5978-5979, [S5980](#), [S5965](#), [S6008](#), August 28, 2018.

ON THE FLOOR OF THE HOUSE AND SENATE: On September 6, 2018, the House agreed by voice vote to the Calvert motion to disagree to the Senate amendment and request a conference on [H.R. 6147](#), the [Interior, Environment, Financial Services, and General Government Appropriations Act, 2019](#). On the same day the Senate insisted on its amendment to [H.R. 6147](#), agreed to the request for a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Murkowski, Collins, Lankford, Hoeven, Shelby, Hyde-Smith, Udall, Reed, Coons, Merkley, and Leahy. See v. 164 Cong. Record, [pages H7894–96](#), [S6109](#), September 6, 2018.

ON THE FLOOR OF THE HOUSE: On September 5, 2018, the House passed the [Empowering Students Through Enhanced Financial Counseling Act](#), [H.R. 1635](#), to amend the loan counseling requirements under the Higher Education Act of 1965, by a yeas-and-nays vote of 406 yeas to 4 nays, [Roll No. 385](#). See v. 164 Cong. Record, [pages H7834–38](#), [H7838–40](#), [H7850–61](#), [H7862](#), [H7863–64](#), September 5, 2018.

ON THE FLOOR OF THE SENATE: On September 5, 2018, the Senate, by 85 yeas to 14 nays (Vote No. EX. 202), confirmed the nomination of Elad L. Roisman, of Maine, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2023. See v. 164 Cong. Record, pages [S6036](#), [S6040](#), September 5, 2018.

ON THE FLOOR OF THE HOUSE: On September 6, 2018, the House passed the Cyber Deterrence and Response Act of 2018, [H.R. 5576](#), amended, to address state-sponsored cyber activities against the United States, See v. 164 Cong. Record, [pages H7843–48](#), Sept. 6.

SELECTED COMMITTEE ACTIONSS/HEARINGS:

SENATE COMMITTEE ON THE JUDICIARY: On September 4, 2018, the Committee began [hearings](#) to examine the nomination of Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States, the nominee, who was introduced by Senator Portman, Condoleezza Rice, former Secretary of State, and Lisa S. Blatt, Arnold and Porter, Washington, D.C., testified in his own behalf. Hearing recessed subject to the call and met again on September 5, 6, and 7, 2018.

HOUSE COMMITTEE ON FINANCIAL SERVICES: On September 6, 2018, the full Committee held a [hearing](#) entitled "A Failure to Act: How a Decade without GSE Reform Has Once Again Put Taxpayers at Risk". Testimony was heard from public witnesses.

HOUSE COMMITTEE ON FINANCIAL SERVICES: On September 5, 2018, the Subcommittee on Monetary Policy and Trade held a [hearing](#) entitled "The Future of Money: Coins and Banknotes". Testimony was heard from Leonard R. Olijar, Director, Bureau of Engraving and Printing; and David J. Ryder, Director, United States Mint, Department of the Treasury.

HOUSE COMMITTEE ON FINANCIAL SERVICES: On September 7, 2018, the Subcommittee on Terrorism and Illicit Finance held a [hearing](#) entitled "Survey of Terrorist Groups and Their Means of Financing". Testimony was heard from public witnesses.

HOUSE COMMITTEE ON THE JUDICIARY: On September 6, 2018 the full Committee held a markup on [H.R. 5468](#), the "Permitting Litigation Efficiency Act of 2018". H.R. 5468 was ordered reported, as amended.

JOINT ECONOMIC COMMITTEE: On September 6, 2018, the Committee held and concluded a [hearing](#) to examine the positive economic growth effects of the Tax Cuts and Jobs Act, after receiving testimony from Scott Hodge, Tax Foundation, and William C. Dunkelberg, National Federation of Independent Business, both of Washington, D.C.; John Hinderaker, Center of the American Experiment, Golden Valley, Minnesota; and Benjamin Harris, Northwestern University Kellogg School of Management, Evanston, Illinois.

HOUSE COMMITTEE ON WAYS AND MEANS: On September 5, 2018, the full Committee held a [markup](#) on [H.R. 6662](#), the "Empowering Seniors' Enrollment Decision Act of 2018"; [H.R. 6690](#), the "Fighting Fraud to Protect Care for Seniors Act of 2018"; [H.R. 6561](#), the "Comprehensive Care for Seniors Act of 2018"; [H.R. 3635](#), the "Local Coverage Determination Clarification Act of 2017"; [H. Res. 1018](#), requesting the President to transmit to the House of Representatives certain documents in the possession of the President relating to the determination to impose certain tariffs and to the strategy of the United States with respect to China. H.R. 6662, H.R. 6690, H.R. 6561, and H.R. 3635 were ordered reported, as amended. H. Res. 1018 was ordered reported, without amendment.

SELECTED MEASURES INTRODUCED IN THE HOUSE:

By Mr. ROSKAM, R-IL (for himself and Mr. Blumenauer, D-OR):
[H.R. 6690](#). A bill to establish a smart card pilot program to combat fraud, waste, and abuse and to protect beneficiary identity under the Medicare program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 August 28, 2018.

By Mr. BUDD, R-NC (for himself and Mr. Pearce, R-NM):
[H.R. 6721](#). A bill to amend title 31, United States Code, to modernize the research, development, information sharing, and acquisition process of the Financial Crimes Enforcement Network, and for other purposes; to the Committee on Financial Services. Introduced September 6, 2018.

By Mr. MARCHANT, R-TX (for himself and Mr. Crowley, D-NY):
[H.R. 6726](#). A bill to amend the Internal Revenue Code of 1986 to repeal certain provisions applicable to foreign investment in United States real property; to the Committee on Ways and Means. Introduced September 6, 2018.

By Mrs. WAGNER, R-MO (for herself, Mrs. Maloney, and Mrs. Love):
[H.R. 6729](#). A bill to allow nonprofit organizations to register with the Secretary of the Treasury and share information on activities that may involve human trafficking or money laundering with financial institutions and regulatory authorities, under a safe harbor that offers protections from liability, in order to better identify and report potential human trafficking or money laundering activities; to the Committee on Financial Services. Introduced September 6, 2018.

By Mr. SCHNEIDER, D-IL:
[H.R. 6732](#). A bill to amend the Ethics in Government Act of 1978 to require Federal political appointees to sign a binding ethics pledge, and for other purposes; to the Committee on Oversight and Government Reform. Introduced September 7, 2018.

By Mr. ZELDIN, R-NY:
[H.R. 6737](#). A bill to amend the Economic Growth, Regulatory Relief, and Consumer Protection Act to clarify seasoning requirements for certain refinanced mortgage loans, and for other purposes; to the Committee on Financial Services. Introduced September 7, 2018.

By Mr. BARR, R-KY (for himself and four cosponsors):

[H.R. 6741](#). A bill to amend the Federal Reserve Act to increase monetary policy transparency and accountability and to make reforms to the Federal Reserve System, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Rules, 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 September 7, 2018.

By Mr. LUETKEMEYER, R-MO: [H.R. 6743](#). A bill to amend the Gramm-Leach-Bliley Act to provide a national standard for financial institution data security and breach notification on behalf of all consumers, and for other purposes; to the Committee on Financial Services. Introduced September 7, 2018.

By Mr. DUFFY, R-IL (for himself and Ms. Sinema, D-AZ):

[H.R. 6745](#). A bill to amend the Securities Exchange Act of 1934 to revise the shareholder threshold for registration under such Act for issuers that receive support through certain Federal universal service support mechanisms, and for other purposes; to the Committee on Financial Services. Introduced September 7, 2018.

By Mr. HENSARLING, R-TX:

[H.R. 6746](#). A bill to protect American taxpayers and homeowners by creating a sustainable housing finance system for the 21st century, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, 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 September 7, 2018.

By Mrs. LOVE, R-UT:

[H.R. 6751](#). A bill to increase transparency with respect to financial services benefitting state sponsors of terrorism, human rights abusers, and corrupt officials, and for other purposes; to the Committee on Financial Services. Introduced September 7, 2018.

SELECTED MEASURES INTRODUCED IN THE SENATE:

By Mr. SANDERS, I-VT:

[S. 3410](#). A bill to amend the Internal Revenue Code of 1986 to impose a tax on employers whose employees receive certain Federal benefits, and for other purposes; to the Committee on Finance. Introduced September 5, 2018.

By Mr. MERKLEY, D-OR:

[S. 3424](#). A bill to amend title 5, United States Code, to provide for an investment option under the Thrift Savings Plan that does not include investment in any fossil fuel companies; to the Committee on Homeland Security and Governmental Affairs. 9/6

SELECTED STUDIES/REPORTS PRESENTED TO CONGRESS

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM: See the Board's [Annual Report](#) to Congress and [other reports](#) presented to Congress on the Board's [Publications website](#) including reports on the Dodd-Frank Act Stress Test. See also [periodic required reports](#) to Congress by the Board (Intranet site).

OFFICE OF INSPECTOR GENERAL - BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM and the CONSUMER FINANCIAL PROTECTION BUREAU: See latest OIG activity by agency at <https://oig.federalreserve.gov/>.

GOVERNMENT ACCOUNTABILITY OFFICE: The GAO released a report entitled [Community Banks: Effect of Regulations on Small Business Lending and Institutions Appears Modest, but Lending Data Could Be Improved](#). [GAO-18-312](#). August 6, 2018 (HTML page only).

CONGRESSIONAL RESEARCH SERVICE – LIBRARY OF CONGRESS: The CRS released a report by David W. Perkins entitled [Marketplace Lending: Fintech in Consumer and Small-Business Lending](#). [R44614](#). Updated September 4, 2018. 30 pages.

CONGRESSIONAL RESEARCH SERVICE – LIBRARY OF CONGRESS: The CRS released a report by Jay B. Sykes entitled [Securities Regulation and Initial Coin Offerings: A Legal Primer](#). [R45301](#). Updated August 31, 2018. 44 pages.

CONGRESSIONAL RESEARCH SERVICE – LIBRARY OF CONGRESS: The CRS released an in focus sidebar entitled [Introduction to U.S. Economy: Personal Saving](#). [IF10963](#). August 28, 2018. 2 pages.

CONGRESSIONAL RESEARCH SERVICE – LIBRARY OF CONGRESS: The CRS released a report by Baird Webel entitled [Financial Services and General Government \(FSGG\) FY2019 Appropriations: Overview](#). [R45295](#). Updated August 24, 2018. 11 pages.

CONGRESSIONAL BUDGET OFFICE: The CBO produces dozens of publications and legislative cost estimates every year on a variety of topics including those on the [Budget](#), on the [Economy](#), on [Employment and Labor Markets](#), on [Finance](#), on [Housing](#), on [Income Distribution](#), on [Taxes](#), and on other topics.

SELECTED FEDERAL REGULATORY ACTIONS:

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM: The Board invites comment on an interim final rule that [raises the asset size threshold for determining applicability of the Board's Small Bank Holding Company and Savings and Loan Holding Company Policy Statement \(Regulation Y, appendix C\) \(Policy Statement\) to \\$3 billion from \\$1 billion of total consolidated assets](#). The interim final rule also makes related and conforming revisions to the Board's regulatory capital rule (Regulation Q) and requirements for

bank holding companies (Regulation Y). In connection with these changes, the Board is modifying the respondent panel for certain holding company financial reports. The interim final rule is effective August 30, 2018. Comments on the interim final rule must be received no later than October 29, 2018. See v. 83 Fed. Register, pages 44195-44199, August 30, 2018 ([FR Doc No 2018-18756](#)).

OFFICE OF THE COMPTROLLER OF THE CURRENCY, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, FEDERAL DEPOSIT INSURANCE CORPORATION: The above agencies have jointly issued and are inviting comment on an interim final rule that amends the agencies' liquidity coverage ratio (LCR) rule to treat liquid and readily-marketable, investment grade municipal obligations as high-quality liquid assets (HQLA). Section 403 of the Economic Growth, Regulatory Relief, and Consumer Protection Act amends section 18 of the Federal Deposit Insurance Act and requires the agencies, for purposes of their LCR rule and any other regulation that incorporates a definition of the term "high-quality liquid asset" or another substantially similar term, to treat a municipal obligation as HQLA (that is a level 2B liquid asset) if that obligation is, as of the LCR calculation date, "liquid and readily-marketable" and "investment grade." See v. 83 Fed. Register, pages 44451-44455, August 31, 2018 ([FR Doc Ni: 2018-18610](#)).

OFFICE OF THE COMPTROLLER OF THE CURRENCY - DEPARTMENT OF THE TREASURY: The OCC is inviting comments on an advance notice of proposed rulemaking (ANPR) to solicit ideas for building a new framework to transform or modernize the regulations that implement the Community Reinvestment Act of 1977 (CRA). A new CRA regulatory framework would help regulated financial institutions more effectively serve the convenience and needs of their communities by encouraging more lending, investment, and activity where it is needed most; evaluating CRA activities more consistently; and providing greater clarity regarding CRA-qualifying activities. A transformed or modernized framework also would facilitate more timely evaluations of bank CRA performance, offer greater transparency regarding ratings, promote a consistent interpretation of the CRA, and encourage increased community and economic development in low- and moderate-income (LMI) areas. Revisions of this nature are consistent with the original intent of the CRA: To help meet the credit needs of the communities that banks serve. In addition, these types of revisions would align with the transformation of the banking industry and reduce the complexity, ambiguity, and burden associated with the regulations. Comments on this ANPR must be received on or before November 19, 2018. See v. 83 Fed. Register, pages 45053-45059, September 5, 2017 ([FR Doc No: 2018-19169](#)).

OFFICE OF THE COMPTROLLER OF THE CURRENCY, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, FEDERAL DEPOSIT INSURANCE CORPORATION: The above agencies have jointly issued and are requesting public comment on interim final rules to implement section 210 of the Economic Growth, Regulatory Relief, and Consumer Protection Act (Economic Growth Act), which was enacted on May 24, 2018. Section 210 of the Economic Growth Act amends section 10(d) of the Federal Deposit Insurance Act (FDI Act) to permit the agencies to examine qualifying insured depository institutions (IDIs) with under \$3 billion in total assets not less than once during each 18-month period. Prior to enactment of the Economic Growth Act, qualifying IDIs with under \$1 billion in total assets

were eligible for an 18-month on-site examination cycle. The interim final rules generally would allow qualifying IDIs with under \$3 billion in total assets to benefit from the extended 18-month examination schedule. In addition, the interim final rules make parallel changes to the agencies' regulations governing the on-site examination cycle for U.S. branches and agencies of foreign banks, consistent with the International Banking Act of 1978 (IBA). These interim final rules are effective on August 29, 2018. Comments on the rules must be received by October 29, 2018. See v. 83 Fed. Register, pages 43961-43965, August 29, 2018 ([FR Doc No: 2018-18685](#)).

BUREAU OF CONSUMER FINANCIAL PROTECTION: The Bureau has issued an interpretive and procedural rule to implement and clarify the requirements of section 104(a) of the Economic Growth, Regulatory Relief, and Consumer Protection Act, which amended certain provisions of the Home Mortgage Disclosure Act to provide partial exemptions. This interpretive and procedural rule is effective on September 7, 2018. See v. 83 Fed. Register, pages 45325-45333, September 7, 2018 ([FR Doc No: 2018-19244](#)).

APPRAISAL SUBCOMMITTEE - FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL: The ASC has adopted non-substantive amendments to its regulations. The amendments correct the street address for the ASC's office, which will be moved October 1, 2018, from 1401 H Street NW, Suite 760, Washington, DC 20005, to 1325 G Street NW, Suite 500, Washington, DC 20005. Effective October 1, 2018. See v. 83 Fed. Register, page 43739, August 28, 2018 ([FR Doc No: 2018-18566](#)).

FEDERAL HOUSING FINANCE AGENCY: The Federal Housing Finance Agency (FHFA) is proposing to amend its rule on golden parachute payments to better align the rule with areas of FHFA's supervisory concern and reduce administrative and compliance burdens. The current rule requires FHFA review and consent before a regulated entity or the Office of Finance (OF) enters into an agreement to make, or makes, a payment that is contingent on the termination of an affiliated party, if the regulated entity or OF is in a troubled condition, in conservatorship or receivership, or insolvent. FHFA's experience implementing the rule indicates that the rule requires review of some agreements and payments where there is little risk of excess or abuse, and thus that it is too broad. If amended as proposed, the rule would focus on the types of agreements and payments that are of greater supervisory concern to FHFA. In general, these are payments to and agreements with executive officers, broad-based plans covering large numbers of employees (such as severance plans), and payments made to non-executive-officer employees who may have engaged in certain types of wrongdoing. The proposed amendments would also revise and clarify definitions, exemptions, and procedures to implement FHFA's supervisory approach. Where possible, FHFA would also align procedures and outcomes of review under the Golden Parachute Payment Rule with requirements of FHFA's rule on executive compensation. FHFA expects implementation of these changes would result in reduced administrative and compliance burdens. Comments must be received by October 12, 2018. See v. 83 Fed. Register, pages 43801-4325, August 28, 2018 ([FR Doc No 2018-18511](#)).

COMMODITY FUTURES TRADING COMMISSION: The Commodity Futures Trading Commission has amended its regulations regarding certain duties of chief compliance officers ("CCOs") of swap dealers ("SDs"), major swap participants ("MSPs"), and futures commission merchants ("FCMs") (collectively, "Registrants"); and certain requirements for

preparing, certifying, and furnishing to the Commission an annual report containing an assessment of the Registrant's compliance activities. This rule is effective September 26, 2018. See v. 83 Fed. Register, pages 43510-43524, August 27, 2018 ([FR Doc No: 2018-18432](#)).

COMMODITY FUTURES TRADING COMMISSION: The Commodity Futures Trading Commission (Commission or CFTC) is proposing rule amendments pursuant to its authority under section 4(c) of the Commodity Exchange Act (CEA) to exempt from the clearing requirement set forth in section 2(h)(1) of the CEA certain swaps entered into by certain bank holding companies, savings and loan holding companies, and community development financial institutions. Comments must be received on or before October 29, 2018. See v. 83 Fed. Register, pages 44001-44012, August 29, 2018 ([FR Doc No: 2018-18618](#)).

FEDERAL BANKING AGENCIES: A website of the Federal Reserve Bank of St. Louis lays out recent updates to [Federal Banking Regulations](#). See also the news releases from the public websites of the [FRB](#), the [OCC](#), the [FDIC](#) , the [CFPB](#), the [CFTC](#) and the [SEC](#).

HOW TO OBTAIN DOCUMENTS:

Most of the legislative and regulatory material noted above can be obtained on the Internet (see links within each item) through [Congress.gov](#), the legislative database of the Library of Congress, or through the United States Government Publishing Office via [FDsys](#) and [GovInfo.gov](#). 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 Congressional [committee websites](#). Board prepared statements before Congress and press releases on its regulatory actions are available on the [Board's public Web site](#). Selected unofficial transcripts of congressional hearings may also be available on certain commercial databases.

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