

114TH CONGRESS
1ST SESSION

H. R. 1389

To improve the mortgage finance system and the regulation of financial institutions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2015

Mr. BARR (for himself and Mr. TIPTON) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Agriculture, 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

A BILL

To improve the mortgage finance system and the regulation of financial institutions, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “The American Jobs
5 and Community Revitalization Act of 2015”.

6 **SEC. 2. IMPROVED CUSTOMER ACCESS TO MORTGAGES.**

7 (a) APPLICATION.—Not later than 90 days after the
8 date of the enactment of this Act, the Bureau of Consumer
9 Financial Protection shall establish an application process

1 under which a person who lives or does business in a State
2 may, with respect to an area identified by the person in
3 such State that has not been designated by the Bureau
4 as a rural area for purposes of a Federal consumer finan-
5 cial law (as defined under section 1002 of the Consumer
6 Financial Protection Act of 2010 (12 U.S.C. 5481)), apply
7 for such area to be so designated.

8 (b) EVALUATION CRITERIA.—When evaluating an
9 application submitted under subsection (a), the Bureau
10 shall take into consideration the following factors:

11 (1) Criteria used by the Director of the Bureau
12 of the Census for classifying geographical areas as
13 rural or urban.

14 (2) Criteria used by the Director of the Office
15 of Management and Budget to designate counties as
16 metropolitan or micropolitan or neither.

17 (3) Criteria used by the Secretary of Agri-
18 culture to determine property eligibility for rural de-
19 velopment programs.

20 (4) The Department of Agriculture rural-urban
21 commuting area codes.

22 (5) A written opinion provided by the State's
23 bank supervisor, as defined under section 3(r) of the
24 Federal Deposit Insurance Act (12 U.S.C. 1813(r)).

25 (6) Population density.

1 (c) PUBLIC COMMENT PERIOD.—

2 (1) IN GENERAL.—Not later than 60 days after
3 receiving an application submitted under subsection
4 (a), the Bureau shall—

5 (A) publish such application in the Federal
6 Register; and

7 (B) make such application available for
8 public comment for not fewer than 90 days.

9 (2) LIMITATION ON ADDITIONAL APPLICA-
10 TIONS.—Nothing in this section shall be construed
11 to require the Bureau, during the public comment
12 period with respect to an application submitted
13 under subsection (a), to accept an additional appli-
14 cation with respect to the area that is the subject of
15 the initial application.

16 (d) DECISION ON DESIGNATION.—Not later than 90
17 days after the end of the public comment period under
18 subsection (c)(1) for an application, the Bureau shall—

19 (1) grant or deny such application, in whole or
20 in part; and

21 (2) publish such grant or denial in the Federal
22 Register, along with an explanation of what factors
23 the Bureau relied on in making such determination.

24 (e) SUBSEQUENT APPLICATIONS.—A decision by the
25 Bureau under subsection (d) to deny an application for

1 an area to be designated as a rural area shall not preclude
2 the Bureau from accepting a subsequent application sub-
3 mitted under subsection (a) for such area to be so des-
4 igned, so long as such subsequent application is made
5 after the end of the 90-day period beginning on the date
6 that the Bureau denies the application under subsection
7 (d).

8 (f) SUNSET.—This section shall cease to have any
9 force or effect after the end of the 2-year period beginning
10 on the date of the enactment of this Act.

11 **SEC. 3. SAFE HARBOR FOR CERTAIN LOANS HELD ON**
12 **PORTFOLIO.**

13 (a) IN GENERAL.—Section 129C of the Truth in
14 Lending Act (15 U.S.C. 1639c) is amended by adding at
15 the end the following:

16 “(j) SAFE HARBOR FOR CERTAIN LOANS HELD ON
17 PORTFOLIO.—

18 “(1) SAFE HARBOR FOR CREDITORS THAT ARE
19 DEPOSITORY INSTITUTIONS.—

20 “(A) IN GENERAL.—A creditor that is a
21 depository institution shall not be subject to
22 suit for failure to comply with subsection (a),
23 (c)(1), or (f)(2) of this section or section 129H
24 with respect to a residential mortgage loan, and

1 the banking regulators shall treat such loan as
2 a qualified mortgage, if—

3 “(i) the creditor has, since the origi-
4 nation of the loan, held the loan on the
5 balance sheet of the creditor; and

6 “(ii) all prepayment penalties with re-
7 spect to the loan comply with the limita-
8 tions described under subsection (c)(3).

9 “(B) EXCEPTION FOR CERTAIN TRANS-
10 FERS.—In the case of a depository institution
11 that transfers a loan originated by that institu-
12 tion to another depository institution by reason
13 of the bankruptcy or failure of the originating
14 depository institution or the purchase of the
15 originating depository institution, the depository
16 institution transferring such loan shall be
17 deemed to have complied with the requirement
18 under subparagraph (A)(i).

19 “(2) SAFE HARBOR FOR MORTGAGE ORIGINA-
20 TORS.—A mortgage originator shall not be subject
21 to suit for a violation of section 129B(c)(3)(B) for
22 steering a consumer to a residential mortgage loan
23 if—

24 “(A) the creditor of such loan is a deposi-
25 tory institution and has informed the mortgage

1 originator that the creditor intends to hold the
2 loan on the balance sheet of the creditor for the
3 life of the loan; and

4 “(B) the mortgage originator informs the
5 consumer that the creditor intends to hold the
6 loan on the balance sheet of the creditor for the
7 life of the loan.

8 “(3) DEFINITIONS.—For purposes of this sub-
9 section:

10 “(A) BANKING REGULATORS.—The term
11 ‘banking regulators’ means the Federal banking
12 agencies, the Bureau, and the National Credit
13 Union Administration.

14 “(B) DEPOSITORY INSTITUTION.—The
15 term ‘depository institution’ has the meaning
16 given that term under section 19(b)(1) of the
17 Federal Reserve Act (12 U.S.C. 505(b)(1)).

18 “(C) FEDERAL BANKING AGENCIES.—The
19 term ‘Federal banking agencies’ has the mean-
20 ing given that term under section 3 of the Fed-
21 eral Deposit Insurance Act.”.

22 (b) RULE OF CONSTRUCTION.—Nothing in the
23 amendment made by this section may be construed as pre-
24 venting a balloon loan from qualifying for the safe harbor
25 provided under section 129C(j) of the Truth in Lending

1 Act if the balloon loan otherwise meets all of the require-
2 ments under such subsection (j), regardless of whether the
3 balloon loan meets the requirements described under
4 clauses (i) through (iv) of section 129C(b)(2)(E) of such
5 Act (15 U.S.C. 1639c(b)(2)(E)).

6 **SEC. 4. REVIEW AND RECONCILIATION OF CONFLICTING**
7 **AND UNNECESSARY REGULATIONS.**

8 (a) FEDERAL DEPOSIT INSURANCE CORPORATION.—
9 Section 9 of the Federal Deposit Insurance Act (12 U.S.C.
10 1819) is amended by adding at the end the following:

11 “(c) REVIEW OF REGULATIONS.—

12 “(1) IN GENERAL.—Before issuing a regulation
13 or order the Corporation shall assess other Federal
14 regulations and orders to determine the interaction
15 between the proposed regulation or order and other
16 Federal regulations and orders.

17 “(2) CONSIDERATIONS.—In making a deter-
18 mination of the interaction between the proposed
19 regulation or order and other Federal regulations,
20 the Corporation shall evaluate the following:

21 “(A) Whether the proposed regulation or
22 order is in conflict with other Federal regula-
23 tions or orders.

1 “(B) Whether the proposed regulation or
2 order is inconsistent with other Federal regula-
3 tions or orders.

4 “(C) Whether the proposed regulation or
5 order is duplicative of other Federal regulations
6 or orders.

7 “(D) Whether other Federal regulations or
8 orders are outdated.

9 “(3) RESOLVING DUPLICATIVE OR INCON-
10 SISTENT REGULATIONS OR ORDERS.—The Corpora-
11 tion shall take all available measures under current
12 law to resolve any duplicative or inconsistent existing
13 regulation or order with any proposed regulation or
14 order before issuing a final regulation or order.

15 “(4) REPORT TO CONGRESS.—Not later than
16 the end of the 60-day period beginning on the date
17 the Corporation makes a determination under para-
18 graph (2), the Corporation shall issue a report to
19 the Congress containing recommendations made by
20 the Corporation, including any recommendations of
21 Federal laws or regulations that should be repealed
22 or amended, so that the Congress may repeal or
23 amend any conflicting, inconsistent, duplicative, or
24 outdated laws or regulations.

1 “(5) LIMITATION ON JUDICIAL REVIEW.—Not-
2 withstanding any other provision of law, a court may
3 not compel action or hold unlawful and set aside any
4 action solely on the basis of compliance or non-
5 compliance with the requirements of this subsection.

6 “(6) DEFINITIONS.—For purposes of this sub-
7 section:

8 “(A) REGULATION AND ORDER.—The
9 terms ‘regulation’ and ‘order’ shall have the
10 meaning given those terms, respectively, by the
11 Corporation, and the term ‘other Federal regu-
12 lations and orders’ shall mean regulations and
13 orders of the Federal financial regulators, other
14 than the Corporation.

15 “(B) FEDERAL FINANCIAL REGU-
16 LATORS.—The term ‘Federal financial regu-
17 lators’ means the Board of Governors of the
18 Federal Reserve System, the Bureau of Con-
19 sumer Financial Protection, the Commodity Fu-
20 tures Trading Commission, the Comptroller of
21 the Currency, the Corporation, the National
22 Credit Union Administration, and the Securities
23 and Exchange Commission.”.

24 (b) OFFICE OF THE COMPTROLLER OF THE CUR-
25 RENCY.—Section 324 of the Revised Statutes of the

1 United States (12 U.S.C. 1) is amended by adding at the
2 end the following:

3 “(c) REVIEW OF REGULATIONS.—

4 “(1) IN GENERAL.—Before issuing a regulation
5 or order the Comptroller of the Currency shall as-
6 sess other Federal regulations and orders to deter-
7 mine the interaction between the proposed regulation
8 or order and other Federal regulations and orders.

9 “(2) CONSIDERATIONS.—In making a deter-
10 mination of the interaction between the proposed
11 regulation or order and other Federal regulations,
12 the Comptroller shall evaluate the following:

13 “(A) Whether the proposed regulation or
14 order is in conflict with other Federal regula-
15 tions or orders.

16 “(B) Whether the proposed regulation or
17 order is inconsistent with other Federal regula-
18 tions or orders.

19 “(C) Whether the proposed regulation or
20 order is duplicative of other Federal regulations
21 or orders.

22 “(D) Whether other Federal regulations or
23 orders are outdated.

24 “(3) RESOLVING DUPLICATIVE OR INCON-
25 SISTENT REGULATIONS OR ORDERS.—The Comp-

1 troller shall take all available measures under cur-
2 rent law to resolve any duplicative or inconsistent
3 existing regulation or order with any proposed regu-
4 lation or order before issuing a final regulation or
5 order.

6 “(4) REPORT TO CONGRESS.—Not later than
7 the end of the 60-day period beginning on the date
8 the Comptroller makes a determination under para-
9 graph (2), the Comptroller shall issue a report to the
10 Congress containing recommendations made by the
11 Comptroller, including any recommendations of Fed-
12 eral laws or regulations that should be repealed or
13 amended, so that the Congress may repeal or amend
14 any conflicting, inconsistent, duplicative, or outdated
15 laws or regulations.

16 “(5) LIMITATION ON JUDICIAL REVIEW.—Not-
17 withstanding any other provision of law, a court may
18 not compel action or hold unlawful and set aside any
19 action solely on the basis of compliance or non-
20 compliance with the requirements of this subsection.

21 “(6) DEFINITIONS.—For purposes of this sub-
22 section, the terms ‘regulation’ and ‘order’ shall have
23 the meaning given those terms, respectively, by the
24 Comptroller, and the term ‘other Federal regulations
25 and orders’ shall mean regulations and orders of the

1 Federal financial regulators (as defined under sec-
2 tion 9(c)(6) of the Federal Deposit Insurance Act),
3 other than the Comptroller.”.

4 (c) BOARD OF GOVERNORS OF THE FEDERAL RE-
5 SERVE SYSTEM.—Section 10 of the Federal Reserve Act
6 is amended by inserting before paragraph (12) the fol-
7 lowing:

8 “(11) REVIEW OF REGULATIONS.—

9 “(A) IN GENERAL.—Before issuing a regu-
10 lation or order the Board of Governors of the
11 Federal Reserve System shall assess other Fed-
12 eral regulations and orders to determine the
13 interaction between the proposed regulation or
14 order and other Federal regulations and orders.

15 “(B) CONSIDERATIONS.—In making a de-
16 termination of the interaction between the pro-
17 posed regulation or order and other Federal
18 regulations, the Board of Governors shall evalu-
19 ate the following:

20 “(i) Whether the proposed regulation
21 or order is in conflict with other Federal
22 regulations or orders.

23 “(ii) Whether the proposed regulation
24 or order is inconsistent with other Federal
25 regulations or orders.

1 “(iii) Whether the proposed regulation
2 or order is duplicative of other Federal
3 regulations or orders.

4 “(iv) Whether other Federal regula-
5 tions or orders are outdated.

6 “(C) RESOLVING DUPLICATIVE OR INCON-
7 SISTENT REGULATIONS OR ORDERS.—The
8 Board of Governors shall take all available
9 measures under current law to resolve any du-
10 plicative or inconsistent existing regulation or
11 order with any proposed regulation or order be-
12 fore issuing a final regulation or order.

13 “(D) REPORT TO CONGRESS.—Not later
14 than the end of the 60-day period beginning on
15 the date the Board of Governors makes a deter-
16 mination under subparagraph (A), the Board of
17 Governors shall issue a report to the Congress
18 containing recommendations made by the
19 Board of Governors, including any rec-
20 ommendations of Federal laws or regulations
21 that should be repealed or amended, so that the
22 Congress may repeal or amend any conflicting,
23 inconsistent, duplicative, or outdated laws or
24 regulations.

1 “(E) LIMITATION ON JUDICIAL REVIEW.—
2 Notwithstanding any other provision of law, a
3 court may not compel action or hold unlawful
4 and set aside any action solely on the basis of
5 compliance or noncompliance with the require-
6 ments of this paragraph.

7 “(F) DEFINITIONS.—For purposes of this
8 paragraph, the terms ‘regulation’ and ‘order’
9 shall have the meaning given those terms, re-
10 spectively, by the Board of Governors, and the
11 term ‘other Federal regulations and orders’
12 shall mean regulations and orders of the Fed-
13 eral financial regulators (as defined under sec-
14 tion 9(e)(6) of the Federal Deposit Insurance
15 Act), other than the Board of Governors.”.

16 (d) BUREAU OF CONSUMER FINANCIAL PROTEC-
17 TION.—Section 1022 of the Consumer Financial Protec-
18 tion Act of 2010 (12 U.S.C. 5512) is amended by adding
19 at the end the following:

20 “(e) REVIEW OF REGULATIONS.—

21 “(1) IN GENERAL.—Before issuing a regulation
22 or order the Bureau shall assess other Federal regu-
23 lations and orders to determine the interaction be-
24 tween the proposed regulation or order and other
25 Federal regulations and orders.

1 “(2) CONSIDERATIONS.—In making a deter-
2 mination of the interaction between the proposed
3 regulation or order and other Federal regulations,
4 the Bureau shall evaluate the following:

5 “(A) Whether the proposed regulation or
6 order is in conflict with other Federal regula-
7 tions or orders.

8 “(B) Whether the proposed regulation or
9 order is inconsistent with other Federal regula-
10 tions or orders.

11 “(C) Whether the proposed regulation or
12 order is duplicative of other Federal regulations
13 or orders.

14 “(D) Whether other Federal regulations or
15 orders are outdated.

16 “(3) RESOLVING DUPLICATIVE OR INCON-
17 SISTENT REGULATIONS OR ORDERS.—The Bureau
18 shall take all available measures under current law
19 to resolve any duplicative or inconsistent existing
20 regulation or order with any proposed regulation or
21 order before issuing a final regulation or order.

22 “(4) REPORT TO CONGRESS.—Not later than
23 the end of the 60-day period beginning on the date
24 the Bureau makes a determination under paragraph
25 (2), the Bureau shall issue a report to the Congress

1 containing recommendations made by the Bureau,
2 including any recommendations of Federal laws or
3 regulations that should be repealed or amended, so
4 that the Congress may repeal or amend any con-
5 flicting, inconsistent, duplicative, or outdated laws or
6 regulations.

7 “(5) LIMITATION ON JUDICIAL REVIEW.—Not-
8 withstanding any other provision of law, a court may
9 not compel action or hold unlawful and set aside any
10 action solely on the basis of compliance or non-
11 compliance with the requirements of this subsection.

12 “(6) DEFINITIONS.—For purposes of this sub-
13 section, the terms ‘regulation’ and ‘order’ shall have
14 the meaning given those terms, respectively, by the
15 Bureau, and the term ‘other Federal regulations and
16 orders’ shall mean regulations and orders of the
17 Federal financial regulators (as defined under sec-
18 tion 9(c)(6) of the Federal Deposit Insurance Act),
19 other than the Bureau.”.

20 (e) NATIONAL CREDIT UNION ADMINISTRATION.—
21 Section 102 of the Federal Credit Union Act (12 U.S.C.
22 1752a) is amended by adding at the end the following:

23 “(g) REVIEW OF REGULATIONS.—

24 “(1) IN GENERAL.—Before issuing a regulation
25 or order the Administration shall assess other Fed-

1 eral regulations and orders to determine the inter-
2 action between the proposed regulation or order and
3 other Federal regulations and orders.

4 “(2) CONSIDERATIONS.—In making a deter-
5 mination of the interaction between the proposed
6 regulation or order and other Federal regulations,
7 the Administration shall evaluate the following:

8 “(A) Whether the proposed regulation or
9 order is in conflict with other Federal regula-
10 tions or orders.

11 “(B) Whether the proposed regulation or
12 order is inconsistent with other Federal regula-
13 tions or orders.

14 “(C) Whether the proposed regulation or
15 order is duplicative of other Federal regulations
16 or orders.

17 “(D) Whether other Federal regulations or
18 orders are outdated.

19 “(3) RESOLVING DUPLICATIVE OR INCON-
20 SISTENT REGULATIONS OR ORDERS.—The Adminis-
21 tration shall take all available measures under cur-
22 rent law to resolve any duplicative or inconsistent
23 existing regulation or order with any proposed regu-
24 lation or order before issuing a final regulation or
25 order.

1 “(4) REPORT TO CONGRESS.—Not later than
2 the end of the 60-day period beginning on the date
3 the Administration makes a determination under
4 paragraph (2), the Administration shall issue a re-
5 port to the Congress containing recommendations
6 made by the Administration, including any rec-
7 ommendations of Federal laws or regulations that
8 should be repealed or amended, so that the Congress
9 may repeal or amend any conflicting, inconsistent,
10 duplicative, or outdated laws or regulations.

11 “(5) LIMITATION ON JUDICIAL REVIEW.—Not-
12 withstanding any other provision of law, a court may
13 not compel action or hold unlawful and set aside any
14 action solely on the basis of compliance or non-
15 compliance with the requirements of this subsection.

16 “(6) DEFINITIONS.—For purposes of this sub-
17 section, the terms ‘regulation’ and ‘order’ shall have
18 the meaning given those terms, respectively, by the
19 Administration, and the term ‘other Federal regula-
20 tions and orders’ shall mean regulations and orders
21 of the Federal financial regulators (as defined under
22 section 9(c)(6) of the Federal Deposit Insurance
23 Act), other than the Administration.”.

1 (f) SECURITIES AND EXCHANGE COMMISSION.—Sec-
2 tion 4 of the Securities Exchange Act of 1934 (15 U.S.C.
3 78d) is amended by adding at the end the following:

4 “(j) REVIEW OF REGULATIONS.—

5 “(1) IN GENERAL.—Before issuing a regulation
6 or order the Commission shall assess other Federal
7 regulations and orders to determine the interaction
8 between the proposed regulation or order and other
9 Federal regulations and orders.

10 “(2) CONSIDERATIONS.—In making a deter-
11 mination of the interaction between the proposed
12 regulation or order and other Federal regulations,
13 the Commission shall evaluate the following:

14 “(A) Whether the proposed regulation or
15 order is in conflict with other Federal regula-
16 tions or orders.

17 “(B) Whether the proposed regulation or
18 order is inconsistent with other Federal regula-
19 tions or orders.

20 “(C) Whether the proposed regulation or
21 order is duplicative of other Federal regulations
22 or orders.

23 “(D) Whether other Federal regulations or
24 orders are outdated.

1 “(3) RESOLVING DUPLICATIVE OR INCON-
2 SISTENT REGULATIONS OR ORDERS.—The Commis-
3 sion shall take all available measures under current
4 law to resolve any duplicative or inconsistent existing
5 regulation or order with any proposed regulation or
6 order before issuing a final regulation or order.

7 “(4) REPORT TO CONGRESS.—Not later than
8 the end of the 60-day period beginning on the date
9 the Commission makes a determination under para-
10 graph (2), the Commission shall issue a report to
11 the Congress containing recommendations made by
12 the Commission, including any recommendations of
13 Federal laws or regulations that should be repealed
14 or amended, so that the Congress may repeal or
15 amend any conflicting, inconsistent, duplicative, or
16 outdated laws or regulations.

17 “(5) LIMITATION ON JUDICIAL REVIEW.—Not-
18 withstanding any other provision of law, a court may
19 not compel action or hold unlawful and set aside any
20 action solely on the basis of compliance or non-
21 compliance with the requirements of this subsection.

22 “(6) DEFINITIONS.—For purposes of this sub-
23 section, the terms ‘regulation’ and ‘order’ shall have
24 the meaning given those terms, respectively, by the
25 Commission, and the term ‘other Federal regulations

1 and orders' shall mean regulations and orders of the
2 Federal financial regulators (as defined under sec-
3 tion 9(c)(6) of the Federal Deposit Insurance Act),
4 other than the Commission.”.

5 (g) COMMODITY FUTURES TRADING COMMISSION.—
6 Section 2(a) of the Commodity Exchange Act (7 U.S.C.
7 2(a)) is amended by adding at the end the following:

8 “(A) IN GENERAL.—Before issuing a regu-
9 lation or order the Commission shall assess
10 other Federal regulations and orders to deter-
11 mine the interaction between the proposed regu-
12 lation or order and other Federal regulations
13 and orders.

14 “(B) CONSIDERATIONS.—In making a de-
15 termination of the interaction between the pro-
16 posed regulation or order and other Federal
17 regulations, the Commission shall evaluate the
18 following:

19 “(i) Whether the proposed regulation
20 or order is in conflict with other Federal
21 regulations or orders.

22 “(ii) Whether the proposed regulation
23 or order is inconsistent with other Federal
24 regulations or orders.

1 “(iii) Whether the proposed regulation
2 or order is duplicative of other Federal
3 regulations or orders.

4 “(iv) Whether other Federal regula-
5 tions or orders are outdated.

6 “(C) RESOLVING DUPLICATIVE OR INCON-
7 SISTENT REGULATIONS OR ORDERS.—The Com-
8 mission shall take all available measures under
9 current law to resolve any duplicative or incon-
10 sistent existing regulation or order with any
11 proposed regulation or order before issuing a
12 final regulation or order.

13 “(D) REPORT TO CONGRESS.—Not later
14 than the end of the 60-day period beginning on
15 the date the Commission makes a determination
16 under subparagraph (B), the Commission shall
17 issue a report to the Congress containing rec-
18 ommendations made by the Commission, includ-
19 ing any recommendations of Federal laws or
20 regulations that should be repealed or amended,
21 so that the Congress may repeal or amend any
22 conflicting, inconsistent, duplicative, or out-
23 dated laws or regulations.

24 “(E) LIMITATION ON JUDICIAL REVIEW.—
25 Notwithstanding any other provision of law, a

1 court may not compel action or hold unlawful
2 and set aside any action solely on the basis of
3 compliance or noncompliance with the require-
4 ments of this paragraph.

5 “(F) DEFINITIONS.—For purposes of this
6 paragraph, the terms ‘regulation’ and ‘order’
7 shall have the meaning given those terms, re-
8 spectively, by the Commission, and the term
9 ‘other Federal regulations and orders’ shall
10 mean regulations and orders of the Federal fi-
11 nancial regulators (as defined under section
12 9(c)(6) of the Federal Deposit Insurance Act),
13 other than the Commission.”.

14 (h) TREATMENT OF JOINT RULEMAKINGS.—In the
15 case of a joint rulemaking with respect to which an assess-
16 ment and determination is required pursuant to an
17 amendment made under this section, the agencies shall
18 jointly make such assessment and determination and shall
19 submit a single report with respect to such determination.

20 **SEC. 5. LONGER EXAMINATION CYCLE FOR HIGHLY RATED**
21 **COMMUNITY BANKS.**

22 Section 10(d) of the Federal Deposit Insurance Act
23 (12 U.S.C. 1820(d)) is amended—

24 (1) in paragraph (4)—

1 (A) in subparagraph (A), by striking
2 “\$500,000,000” and inserting
3 “\$1,000,000,000”; and

4 (B) in subparagraph (C)(ii), by striking
5 “\$100,000,000” and inserting “\$200,000,000”;
6 and

7 (2) in paragraph (10)—

8 (A) by striking “\$100,000,000” and in-
9 serting “\$200,000,000”; and

10 (B) by striking “\$500,000,000” and in-
11 serting “\$1,000,000,000”.

12 **SEC. 6. STREAMLINING CURRENCY TRANSACTION REPORT-**
13 **ING.**

14 (a) **QUALIFIED CUSTOMER EXEMPTION.**—Section
15 5313(e) of title 31, United States Code, is amended to
16 read as follows:

17 “(e) **DISCRETIONARY EXEMPTION FOR QUALIFIED**
18 **CUSTOMERS.**—

19 “(1) **IN GENERAL.**—Before the end of the 270-
20 day period beginning on the date of the enactment
21 of this subsection, the Secretary of the Treasury
22 shall issue final rules that exempt any depository in-
23 stitution from filing a report pursuant to this section
24 with respect to a transaction for the payment, re-
25 ceipt, or transfer of monetary instruments between

1 the depository institution and a qualified customer
2 of the depository institution.

3 “(2) QUALIFIED CUSTOMER DEFINED.—For
4 purposes of this section, the term ‘qualified cus-
5 tomer’, with respect to a depository institution, has
6 such meaning as the Secretary of the Treasury shall
7 prescribe, which shall include any person that—

8 “(A) has maintained a deposit account
9 with the depository institution for at least 2
10 months, except the Secretary may prescribe a
11 shorter period by rule; and

12 “(B) has engaged, using such account, in
13 any currency transactions that would otherwise
14 be subject to the reporting requirements of sub-
15 section (a).

16 “(3) RULEMAKING.—

17 “(A) IN GENERAL.—The Secretary of the
18 Treasury shall issue rules requiring a depository
19 institution to file a one-time notice of the
20 designation for exemption of each qualified cus-
21 tomer of the depository institution.

22 “(B) FORM AND CONTENT OF DESIGNA-
23 TION NOTICE.—The Secretary shall by rule pre-
24 scribe the form, manner, content, and timing of
25 the qualified customer designation notice. Such

1 notice shall include sufficient information to
2 identify the qualified customer and the accounts
3 of the customer.

4 “(C) AUTHORITY OF SECRETARY.—

5 “(i) IN GENERAL.—The Secretary
6 may suspend, reject, or revoke any quali-
7 fied customer designation notice, in accord-
8 ance with criteria prescribed by the Sec-
9 retary by rule.

10 “(ii) CONDITIONS.—The Secretary
11 may establish conditions, in accordance
12 with criteria prescribed by rule, under
13 which a designation of exemption received
14 under this section shall continue to be
15 valid, with respect to the qualified cus-
16 tomer for whom a depository institution se-
17 cured such designation, if such depository
18 institution merges with or is acquired by
19 another depository institution.”.

20 (b) FILING THRESHOLD.—Not later than the end of
21 the 60-day period beginning on the date of the enactment
22 of this Act, the Secretary shall issue final regulations to
23 raise the threshold amount under subsection (a) to at least
24 \$20,000.

1 **SEC. 7. FINANCIAL CRIMES ENFORCEMENT NETWORK**
2 **DATA ACCOUNTABILITY METRICS.**

3 (a) IN GENERAL.—Section 310 of title 31, United
4 States Code, is amended—

5 (1) in subsection (b)(2)—

6 (A) by redesignating subparagraph (J) as
7 subparagraph (K); and

8 (B) by inserting after subparagraph (I) the
9 following new subparagraph:

10 “(J) Report annually to the Committee on
11 Financial Services of the House of Representa-
12 tives and the Committee on Banking, Housing,
13 and Urban Affairs of the Senate on how the
14 data access service described in subparagraph
15 (B) and the information collected by the service
16 is used to detect and prevent money laundering,
17 terrorist financing, and other financial crimes,
18 including—

19 “(i) information on the number of in-
20 vestigations and prosecutions originated
21 because of, and supported by, access to the
22 information collected by the service; and

23 “(ii) an identification and analysis of
24 information collected by the service which
25 is not used that the Director believes
26 should be eliminated to reduce reporting

1 requirements and increase effectiveness
2 and efficiency.”; and

3 (2) in subsection (c)—

4 (A) in paragraph (1)(C), by striking “;
5 and” and inserting a semicolon;

6 (B) by redesignating paragraph (2) as
7 paragraph (3); and

8 (C) by inserting after paragraph (1) the
9 following new paragraph:

10 “(2) for appropriate metrics to monitor, track,
11 assess, and report on access to information con-
12 tained in the data access service maintained by
13 FinCEN, including:

14 “(A) identifying, tracking, and measuring
15 how such information is used and the law en-
16 forcement results obtained as a consequence of
17 that use; and

18 “(B) assuring accountability by law en-
19 forcement agencies for the usefulness, security,
20 and privacy of such information while reducing
21 unnecessary regulatory burdens on reporters of
22 information collected under subsection
23 (b)(2)(B); and”.

1 **SEC. 8. EQUITABLE TREATMENT OF S CORPORATION**
2 **BANKS.**

3 Section 171 of the Dodd-Frank Wall Street Reform
4 and Consumer Protection Act (12 U.S.C. 5371) is amend-
5 ed—

6 (1) in subsection (a), by adding at the end the
7 following new paragraphs:

8 “(8) S CORPORATION BANK.—The term ‘S cor-
9 poration bank’ means any insured depository institu-
10 tion operating as an S corporation (as defined in
11 section 1361(a) of the Internal Revenue Code (26
12 U.S.C. 1361(a))).

13 “(9) CAPITAL CONSERVATION BUFFER.—The
14 term ‘capital conservation buffer’ means the require-
15 ments relating to capital conservation and counter-
16 cyclical capital buffers provided under sections 3.11,
17 217.11, and 324.11 of title 12, Code of Federal Reg-
18 ulations.”;

19 (2) in subsection (b)(5)—

20 (A) in subparagraph (B), by striking “;
21 or” and inserting a semicolon;

22 (B) in subparagraph (C), by striking the
23 period at the end and inserting “; or”; and

24 (C) by adding at the end the following new
25 subparagraph:

1 “(D) any S corporation bank as described
2 in paragraph (8).”; and

3 (3) by adding at the end of subsection (b) the
4 following new paragraph:

5 “(8) CAPITAL REQUIREMENTS FOR S CORPORA-
6 TIONS.—

7 “(A) IN GENERAL.—Not later than 180
8 days after the date of enactment of this Act,
9 the appropriate Federal banking agencies shall,
10 with regard to the treatment of dividend dis-
11 tributions required under the capital conserva-
12 tion buffer for a S corporation bank, issue final
13 regulations authorizing such banks to make
14 such distributions for payment of taxes arising
15 from the activities of such bank.

16 “(B) REQUIREMENTS.—The regulations
17 issued under subparagraph (A) shall take into
18 consideration the fact that the income of an S
19 corporation bank is calculated prior to consider-
20 ation of distributions for payment of taxes aris-
21 ing from S corporation bank activities.”.

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