

119TH CONGRESS
2D SESSION

S. _____

To amend the Financial Stability Act of 2010 to provide for tailoring and indexing enhanced regulations.

IN THE SENATE OF THE UNITED STATES

Mrs. BRITT introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Financial Stability Act of 2010 to provide for tailoring and indexing enhanced regulations.

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. TAILORING AND INDEXING ENHANCED REGU-**
4 **LATIONS.**

5 (a) INITIAL THRESHOLD ADJUSTMENTS.—

6 (1) BANK HOLDING COMPANY ACT OF 1956.—

7 Section 4(k)(6)(B)(ii) of the Bank Holding Com-

8 pany Act of 1956 (12 U.S.C. 1843(k)(6)(B)(ii)) is

9 amended, by striking “\$10,000,000,000” and insert-

10 ing “\$15,000,000,000”.

1 (2) ECONOMIC GROWTH, REGULATORY RELIEF,
2 AND CONSUMER PROTECTION ACT.—Section 401(f)
3 of the Economic Growth, Regulatory Relief, and
4 Consumer Protection Act (12 U.S.C. 5365 note) is
5 amended by striking “\$250,000,000,000” and in-
6 serting “\$370,000,000,000”.

7 (3) FEDERAL RESERVE ACT.—The second sub-
8 section (s) (relating to assessments) of section 11 of
9 the Federal Reserve Act (12 U.S.C. 248(s)) is
10 amended—

11 (A) in paragraph (2), by striking
12 “\$100,000,000,000” each place the term ap-
13 pears and inserting “\$150,000,000,000”; and

14 (B) in paragraph (3), by striking
15 “\$100,000,000,000 and \$250,000,000,000”
16 and inserting “\$150,000,000,000 and
17 \$370,000,000,000”.

18 (4) FINANCIAL STABILITY ACT OF 2010.—The
19 Financial Stability Act of 2010 (12 U.S.C. 5311 et
20 seq.) is amended—

21 (A) in section 116(a) (12 U.S.C. 5326(a)),
22 by striking “\$250,000,000,000” and inserting
23 “\$370,000,000,000”;

1 (B) in section 121(a) (12 U.S.C. 5331(a)),
2 by striking “\$250,000,000,000” and inserting
3 “\$370,000,000,000”;

4 (C) in section 163(b) (12 U.S.C.
5 5363(b))—

6 (i) by striking “\$250,000,000,000”
7 each place that term appears and inserting
8 “\$370,000,000,000”; and

9 (ii) by striking “\$10,000,000,000”
10 and inserting “\$15,000,000,000”;

11 (D) in section 164 (12 U.S.C. 5364), by
12 striking “\$250,000,000,000” and inserting
13 “\$370,000,000,000”; and

14 (E) in section 165 (12 U.S.C. 5365)—

15 (i) in subsection (a)—

16 (I) in paragraph (1), by striking
17 “\$250,000,000,000” and inserting
18 “\$370,000,000,000”; and

19 (II) in paragraph (2)(C), by
20 striking “\$100,000,000,000” and in-
21 serting “\$150,000,000,000”;

22 (ii) in subsection (h)(2), by striking
23 “\$50,000,000,000” each place that term
24 appears and inserting “\$75,000,000,000”;

1 (iii) in subsection (i)(2)(A), by strik-
2 ing “\$250,000,000,000” and inserting
3 “\$370,000,000,000”; and
4 (iv) in subsection (j)(1), by striking
5 “\$250,000,000,000” and inserting
6 “\$370,000,000,000”.

7 (b) PERIODIC ADJUSTMENTS TO THRESHOLDS.—
8 The Financial Stability Act of 2010 (12 U.S.C. 5311 et
9 seq.) is amended by adding at the end the following:

10 **“SEC. 177. PERIODIC ADJUSTMENTS TO THRESHOLDS.**

11 “(a) IN GENERAL.—

12 “(1) ADJUSTMENT.—Not later than 1 year
13 after the date of enactment of this section, and every
14 5 years thereafter, the Board of Governors shall in-
15 crease each threshold described in subsection (b) by
16 the ratio, if greater than 1, of the annual value of
17 the economic indicator selected by the Board of Gov-
18 ernors as appropriate for that threshold under para-
19 graph (2)(B) for the calendar year preceding the
20 year in which the adjustment is calculated under
21 this section, to the published annual value of such
22 economic indicator for the calendar year preceding
23 April 1, 2026.

1 “(2) SELECTION OF ECONOMIC INDICATORS.—

2 Not later than 3 months after the date of enactment
3 of this section, the Board of Governors shall—

4 “(A) complete a study on the advantages
5 and disadvantages of the use of either nominal
6 United States gross domestic product (as pub-
7 lished by the Department of Commerce) or the
8 Consumer Price Index (as published by the De-
9 partment of Labor) to adjust periodically the
10 quantitative regulatory thresholds described in
11 subsection (b);

12 “(B) for each threshold described in sub-
13 section (b), select either nominal United States
14 gross domestic product (as published by the De-
15 partment of Commerce) or the Consumer Price
16 Index (as published by the Department of
17 Labor) as appropriate for adjusting such
18 threshold;

19 “(C) transmit a report to the Committee
20 on Financial Services of the House of Rep-
21 resentatives and the Committee on Banking,
22 Housing, and Urban Affairs of the Senate con-
23 taining—

1 “(i) all findings and determinations
2 made in carrying out the study required
3 under subparagraph (A); and

4 “(ii) all selections made under sub-
5 paragraph (B).

6 “(b) COVERED THRESHOLDS.—The thresholds de-
7 scribed in this subsection are the following:

8 “(1) Each bank holding company or savings
9 and loan holding company total consolidated asset
10 amount in the second subsection (s) (relating to as-
11 sessments) of section 11 of the Federal Reserve Act
12 (12 U.S.C. 248).

13 “(2) Each bank holding company total consoli-
14 dated asset amount in—

15 “(A) sections 116(a), 121(a), 163(b), 164,
16 165(a)(1), 165(a)(2)(C), 165(h)(2), 165(j)(1)
17 of this Act; and

18 “(B) section 401(f) of the Economic
19 Growth, Regulatory Relief, and Consumer Pro-
20 tection Act (12 U.S.C. 5365 note).

21 “(3) Each financial company total consolidated
22 asset amount in section 165(i)(2)(A) of this Act.

23 “(c) CURRENCY OF INFORMATION.—The values used
24 in the calculation under subsection (a) shall be, as of the
25 date of the calculation, the values most recently published

1 by the Department of Commerce or Department of Labor,
2 as appropriate.

3 “(d) ROUNDING.—

4 “(1) GREATER THAN \$100,000,000,000.—If any
5 amount equal to or greater than \$100,000,000,000
6 determined under subsection (a) for any period is
7 not a multiple of \$50,000,000,000, the amount shall
8 be rounded up to the nearest \$50,000,000,000.

9 “(2) LESS THAN \$100,000,000,000.—If any
10 amount less than \$100,000,000,000 determined
11 under subsection (a) for any period is not a multiple
12 of \$5,000,000,000, the amount shall be rounded up
13 to the nearest \$5,000,000,000.

14 “(e) PUBLICATION.—Not later than April 5 of any
15 calendar year in which an adjustment is required to be
16 calculated under subsection (a), the Board of Governors
17 shall publish in the Federal Register the amounts as so
18 calculated.

19 “(f) IMPLEMENTATION PERIOD.—Any increase in
20 amounts determined under subsection (a) shall take effect
21 on January 1 of the year immediately succeeding the cal-
22 endar year in which the increase is required to be cal-
23 culated under subsection (a).

1 **“SEC. 178. PERIODIC ADJUSTMENTS TO THRESHOLDS ES-**
2 **TABLISHED BY RULE.**

3 “(a) AGENCY REVIEW.—Not later than 180 days
4 after the date of enactment of this Act, and the 1st day
5 of each subsequent 5-year period, the Board of Governors,
6 the Comptroller of the Currency, and the Corporation
7 shall, to the extent applicable, review—

8 “(1) any regulation—

9 “(A) implementing section 165 of this Act;

10 or

11 “(B) making specific cross-reference to any
12 regulation of the Board of Governors imple-
13 menting section 165 of this Act; and

14 “(2) any asset threshold or other quantitative
15 threshold in such regulations implementing section
16 165 of this Act, or in such regulations making spe-
17 cific cross-reference to any regulation of the Board
18 of Governors implementing section 165 of this Act,
19 the amount of which is not prescribed by statute.

20 “(b) MODIFICATIONS REQUIRED.—The Board of
21 Governors, the Comptroller of the Currency, and the Cor-
22 poration shall modify any such thresholds identified by
23 each review conducted under subsection (a) by the ratio,
24 if greater than 1, of the annual value of the economic indi-
25 cator selected by the agency as appropriate for that
26 threshold under paragraph (1) for the calendar year pre-

1 ceding the year in which the adjustment is calculated
2 under this section, to the published annual value of such
3 economic indicator for the calendar year preceding the ef-
4 fective date of such threshold, as each respective agency
5 shall determine as appropriate for such regulations. In
6 making such determination, the Board of Governors, the
7 Comptroller of the Currency, and the Corporation shall—

8 “(1) not later than 3 months after the date of
9 enactment of this subsection, for each threshold
10 identified by each review conducted under subsection
11 (a), select either nominal United States gross do-
12 mestic product (as published by the Department of
13 Commerce) or the Consumer Price Index (as pub-
14 lished by the Department of Labor) as appropriate
15 for adjusting such threshold, and use the values of
16 such selected economic indicator most recently pub-
17 lished as of the date of commencement of the review
18 to compute the ratio described in this subsection;

19 “(2) seek to establish, to the extent feasible,
20 uniform thresholds for use by each such agency, tak-
21 ing into account the entities regulated by each such
22 agency and the purposes for which such threshold
23 was established; and

1 “(3) seek to adjust such thresholds, to the ex-
2 tent feasible, with rounding consistent with section
3 177(d) of this Act.

4 “(c) REPORT.—Upon conclusion of each review re-
5 quired under subsection (a), each of the Board of Gov-
6 ernors, the Comptroller of the Currency, and the Corpora-
7 tion shall transmit a report to the Committee on Financial
8 Services of the House of Representatives and the Com-
9 mittee on Banking, Housing, and Urban Affairs of the
10 Senate containing a description of any modification of any
11 regulation such agency made pursuant to subsection (b).”.

12 (c) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Dodd-Frank Wall Street Reform and
14 Consumer Protection Act is amended by inserting after
15 the item relating to section 176 the following:

“Sec. 177. Periodic adjustments to thresholds.

“Sec. 178. Periodic adjustments to thresholds established by rule.”.