AMENDMENT TO H.R. 1013, AS REPORTED

OFFERED BY M__. _____

Add at the end the following:

SEC. 3. MANDATORY COLLECTIVE INVESTMENT FUND PUBLIC DISCLOSURE.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller of the Currency shall prescribe rules and regulations in accordance with section 5239A of the Revised Statutes of the United States (12 U.S.C. 93a) to require that each collective investment fund (as described in sections 9.18(a)(2) and 9.18(c)(5) of title 12, Code of Federal Regulations) prepare and disclose the following documents:

(A) A quarterly ''fund fact sheet'', which shall be made available on the collective investment fund's trustee's public-facing website and which shall include—

(i) identifying information about the collective investment fund, including the fund's name, investment objective, investment strategy, portfolio holdings, service

providers, standardized performance data (calculated net of fees), benchmark information, any policies that restrict or otherwise limit redemptions, use of leverage, valuation policies, fee and expense information for each class of units, website access information, a statement that the fund is not a mutual fund and is available only through eligible retirement plans that offer it, and a glossary of terms;

(ii) specific fee disclosures, including—

(I) a statement of all compensation received, directly or indirectly, by any trustee, affiliate, sub-adviser, recordkeeper, consultant, or service provider associated with the collective investment fund; and

(II) a comparison of aggregate fees and expenses to a substantially similar registered investment company (as defined in section 115(d) of the Gramm-Leach-Bliley Act (12 U.S.C. 1820a(d))), where available, selected by the trustee in good faith, together

with a brief description of the basis for the selection; and

(iii) each form of ''participation agreement'' used to enroll a retirement plan in the collective investment fund.

(B) An audited financial report prepared by the bank administering the collective investment fund pursuant to section 9.18 of title 12, Code of Federal Regulations, or any successor regulation, which shall be made available on the public-facing website of the bank.

(2) RULE OF CONSTRUCTION.—The rules and regulations prescribed pursuant to paragraph (1) shall permit a trustee to use a disclosure prepared to comply with section 2550.404a–5 or 2550.408b–2 of title 29, Code of Federal Regulations, to satisfy the requirements of clauses (i) and (ii) of paragraph (1)(A), to the extent the disclosure contains the information required by such clauses.

(b) SHARING OF DISCLOSURES.—No bank, trustee, asset manager, or their affiliate may restrict a plan sponsor, participant, beneficiary, fiduciary, labor organization representing plan participants, or investment professional from reviewing, retaining, or sharing disclosures required under this section for purposes related to plan administra-

tion, investment oversight, fiduciary evaluation, collective bargaining, or participant education.

(c) QUARTERLY REPORTS.—

(1) IN GENERAL.—The Comptroller of the Currency shall publish a quarterly report regarding the size, complexity, and systemic risk of the collective investment fund market.

(2) SOURCES OF INFORMATION.—

(A) IN GENERAL.—In preparing each report required under paragraph (1), the Comptroller of the Currency shall seek information about collective investment funds from the Department of Labor and State banking agencies that oversee different segments of the collective investment fund market.

(B) SHARING OF INFORMATION.—Each bank or trust company that maintains a collective investment fund shall provide the Comptroller of the Currency a copy of any report on such fund it submits to a Federal or State regulator. Federal agencies shall, and State agencies may and are encouraged to, share with the Comptroller of the Currency any relevant information relating to collective investment funds. Such information that is not otherwise public

shall be treated as confidential supervisory information, subject to section 18(x) of the Federal Deposit Insurance Act (12 U.S.C. 1828(x)), and published only in aggregate form.

(3) CONTENTS.—The reports required under paragraph (1) shall include—

(A) information about total assets and liabilities, valuation practices, transaction volumes, the prevalence of collective investment funds in target-date funds, the use of collective investment funds by plan size, the frequency with which collective investment funds are used as the default plan option, portfolio exposure to private market assets, data related to liquidity and redemptions, affiliated transactions, and the overall growth or contraction rates of collective investment funds compared to prior years;

(B) information about collective investment fund fee structures across the market; and

(C) an analysis of stress points, leverage, and interconnectedness.

(4) INCLUSION IN ANNUAL REPORT.—The Comptroller of the Currency shall include in the annual report required under the second section 333 of the Revised Statutes (12 U.S.C. 14) a section on

collective investment funds, including recommendations for further rulemaking.

SEC. 4. APPLICATION TO STATE-CHARTERED BANKS AND TRUST COMPANIES.

Section 7 of the Investment Company Act of 1940 (15 U.S.C. 80a–7) is amended by adding at the end the following:

''(f) DISCLOSURE BY COLLECTIVE TRUST FUNDS.—

''(1) IN GENERAL.—Each bank, including a State-chartered bank or trust company, that maintains a collective trust fund excluded from the definition of an investment company by section 3(c)(11) shall—

''(A) make publicly available the disclosures, including a fund fact sheet, that the Comptroller of the Currency requires of national banks under section 5239A of the Revised Statutes of the United States (12 U.S.C. 93a) with respect to collective investment funds, in the same manner as if such bank were a national bank; and

''(B) shall be subject to the requirements of this Act applicable to a bank or trust company that maintains a collective investment fund.

''(2) ENFORCEMENT.—Compliance with this subsection shall be enforced by the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) with respect to any bank the agency supervises, and by the Commission with respect to any bank or trust company that is not supervised by an appropriate Federal banking agency.''.

SEC. 5. TREASURY DETERMINATIONS FOR STATE-CHARTERED BANKS AND TRUST COMPANIES.

(a) LIMITATION.—The amendments made by section 2 shall apply with respect to an interest or participation, issued in connection with a plan that meets the requirements of section 403(b) of the Internal Revenue Code of 1986, in a collective trust fund maintained by a bank or trust company chartered under the laws of a State only if—

(1) a determination under subsection (b) with respect to that State is in effect on the date of issuance; or

(2) the interest or participation is issued, during the 1-year period beginning on the date on which such a determination is withdrawn, to a plan that held an interest or participation in the collective trust fund on that date.

(b) DETERMINATIONS.—

(1) IN GENERAL.—At the request of a State, the Secretary of the Treasury shall determine whether the laws and regulations of the State that apply to collective investment funds maintained by banks and trust companies chartered under the laws of the State—

(A) are at least as protective of plan participants and beneficiaries as section 9.18 of title 12, Code of Federal Regulations, or any successor regulation, and the rules and regulations prescribed under section 3(a);

(B) apply to every collective investment fund maintained by such a bank or trust company; and

(C) are enforced by the State through regular examination and supervision of such banks and trust companies.

(2) RECOMMENDATION AND CONSULTATION.—The Secretary may make an affirmative determination under paragraph (1) only upon the written recommendation of the Comptroller of the Currency and after consultation with the Securities and Exchange Commission.

(3) NO DETERMINATION BY DEFAULT.—The Secretary shall make a determination under paragraph (1) not later than 180 days after receiving a complete request. A State may not be treated as having received an affirmative determination by reason of the failure of the Secretary to act within that period.

(4) PUBLICATION.—The Secretary shall publish each determination under this subsection, and the basis for the determination, in the Federal Register.

(c) REVIEW AND WITHDRAWAL.—

(1) REVIEW.—The Secretary, in consultation with the Comptroller of the Currency and the Securities and Exchange Commission, shall review each affirmative determination under subsection (b) not less frequently than once every 3 years.

(2) WITHDRAWAL.—The Secretary shall withdraw an affirmative determination under subsection (b) if the Secretary, after consultation with the Comptroller of the Currency and the Securities and Exchange Commission, finds that the laws and regulations of the State no longer meet the requirements of subsection (b)(1), and shall publish notice of the withdrawal in the Federal Register.

(d) STATE DEFINED.—In this section, the term ''State'' means each of the several States, the District of Columbia, and each territory of the United States.

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