

AMENDMENT TO S. 1582
OFFERED BY MS. WATERS OF CALIFORNIA

In section 4(a)(4), add at the end the following:

1 (D) RISK MANAGEMENT FOR CONTRACTED
2 SERVICES.—Whenever a permitted payment
3 stablecoin issuer, or any subsidiary or affiliate
4 of a permitted payment stablecoin issuer, relies
5 on or causes to be performed for itself, by con-
6 tract or otherwise, any services or activities au-
7 thorized under this Act, or that are necessary
8 or integral to the activities in paragraph (7),
9 whether on or off its premises—

10 (i) such person that performs or sup-
11 ports such services or activities shall be
12 subject to regulation and supervision by
13 the primary Federal payment stablecoin
14 regulator of the permitted payment
15 stablecoin issuer with respect to the per-
16 formance of such services or activities, but
17 such regulation and supervision shall be
18 limited in scope to such services or activi-
19 ties; and

1 (ii) the permitted payment stablecoin
2 issuer shall notify the primary Federal
3 payment stablecoin regulator of the exist-
4 ence of the relationship within 30 days
5 after the making of the related service con-
6 tract or the performance of the activity or
7 service, whichever occurs first.

In section 4(a), add at the end the following:

8 (15) RESOLUTION OR LIQUIDATION OF A PER-
9 MITTED PAYMENT STABLECOIN ISSUER.—

10 (A) APPOINTMENT OF RECEIVER OR LIQUI-
11 DATING AGENT.—

12 (i) AUTHORITY TO APPOINT RECEIVER
13 OR LIQUIDATING AGENT.—The primary
14 Federal stablecoin regulator shall have the
15 same authority to appoint the Corporation
16 or the National Credit Union Administra-
17 tion, as appropriate, as receiver or liqui-
18 dating agent of a permitted payment
19 stablecoin issuer as the Comptroller has to
20 appoint a receiver for a national bank that
21 is not insured by the Corporation under
22 section 2(a) of the National Bank Receiv-
23 ership Act (12 U.S.C. 191(a)).

1 (ii) REQUIREMENT TO APPOINT RE-
2 CEIVER OR LIQUIDATING AGENT.—

3 (I) IN GENERAL.—The primary
4 Federal payment stablecoin regulator
5 shall use the authority provided under
6 clause (i) to appoint the Corporation
7 or the National Credit Union Admin-
8 istration, as appropriate, as receiver
9 or liquidating agent of a permitted
10 payment stablecoin issuer if the pri-
11 mary Federal payment stablecoin reg-
12 ulator determines, in the sole discre-
13 tion of the primary Federal payment
14 stablecoin regulator, a receivership or
15 liquidation would prevent adverse ef-
16 fects on financial stability in the
17 United States and is necessary to
18 avoid significant disruption to pay-
19 ment services offered by permitted
20 payment stablecoin issuers.

21 (II) VOTING REQUIREMENT.—A
22 determination described under sub-
23 clause (I) by an primary Federal pay-
24 ment stablecoin regulator with a
25 multi-member head shall be made

1 upon a vote of not fewer than $\frac{2}{3}$ of
2 the members of the regulator.

3 (iii) NOTIFICATION.—

4 (I) IN GENERAL.—A permitted
5 payment stablecoin issuer or a cred-
6 itor to such an issuer may not submit
7 a petition to file for bankruptcy unless
8 the issuer or creditor first notifies the
9 primary Federal payment stablecoin
10 regulator and such regulator either
11 determines not to appoint a receiver
12 or liquidating agent under this para-
13 graph after making a determination
14 that such appointment is not nec-
15 essary to prevent adverse effects on fi-
16 nancial stability and avoid significant
17 disruption to payment services offered
18 by permitted payment stablecoin
19 issuers or makes an appointment that
20 is terminated by a court pursuant to
21 clause (iv).

22 (II) PROMPT DETERMINATION.—
23 The determination by a regulator
24 under this clause of whether to ap-
25 point a receiver or liquidating agent

1 shall be made promptly after receiving
2 the notice described under subclause
3 (I) and shall be promptly commu-
4 nicated to the issuer and, if the per-
5 son making such notice is a creditor,
6 to the creditor.

7 (iv) REVIEWABILITY OF APPOINT-
8 MENT OF RECEIVER OR LIQUIDATING
9 AGENT.—The appointment of a receiver or
10 liquidating agent under this subparagraph
11 shall be subject to the same judicial review
12 applicable to the appointment of a receiver
13 under section 2 of the National Bank Re-
14 ceivership Act (12 U.S.C. 191).

15 (v) NO RECEIVERSHIP AUTHORITY
16 DURING BANKRUPTCY.—If, after complying
17 with the requirements of this subpara-
18 graph, a permitted payment stablecoin
19 issuer or a creditor to such an issuer sub-
20 mits a petition to file for bankruptcy, the
21 primary Federal payment stablecoin regu-
22 lator may not appoint a receiver of the per-
23 mitted payment stablecoin issuer during
24 the pendency of the case.

1 (B) RECEIVERSHIP AUTHORITY OF THE
2 CORPORATION.—Subject to paragraph (10) and
3 subparagraphs (D) and (E), if the Corporation
4 is appointed receiver for a permitted payment
5 stablecoin issuer under this paragraph, the Cor-
6 poration shall have the same authority to act as
7 a receiver for a permitted payment stablecoin
8 issuer and take related actions that the Cor-
9 poration is authorized to take as a receiver for
10 an insured depository institution under the
11 Federal Deposit Insurance Act (12 U.S.C. 1811
12 et seq.).

13 (C) AUTHORITY OF THE NATIONAL CREDIT
14 UNION ADMINISTRATION.—Subject to para-
15 graph (10) and subparagraphs (D) and (E), if
16 the National Credit Union Administration is
17 appointed liquidating agent for a permitted
18 payment stablecoin issuer under this paragraph,
19 the National Credit Union Administration shall
20 have the same authority to act as liquidating
21 agent for a permitted payment stablecoin issuer
22 and take related actions that the National
23 Credit Union Administration is authorized to
24 take as liquidating agent for an insured credit

1 union under the Federal Credit Union Act (12
2 U.S.C. 1751 et seq).

3 (D) CONSIDERATIONS.—Any person ap-
4 pointed as a receiver or liquidating agent for a
5 permitted payment stablecoin issuer under this
6 paragraph shall consider the best interests of
7 the stability of the payment stablecoin system,
8 the holders of the payment stablecoins, and the
9 public interest.

10 (E) PROHIBITIONS.—

11 (i) NO USE OF INSURANCE FUNDS.—
12 Notwithstanding subparagraphs (B) or
13 (C), the Corporation and the National
14 Credit Union Administration, in acting as
15 a receiver or liquidating agent under this
16 paragraph, shall have no authority to uti-
17 lize funds from the Deposit Insurance
18 Fund or the Share Insurance Fund, in-
19 cluding to support the resolution or liq-
20 uidation of a permitted payment stablecoin
21 issuer.

22 (ii) PROHIBITION ON ACTING AS CON-
23 SERVATOR.—The Corporation, the Na-
24 tional Credit Union Administration, and
25 any other Federal agency may not act as

1 a conservator of a permitted payment
2 stablecoin issuer.

3 (16) TREATMENT UNDER THE GRAMM-LEACH-
4 BLILEY ACT.—A permitted payment stablecoin
5 issuer is deemed a financial institution for purposes
6 of complying with title V of the Gramm-Leach-Bliley
7 Act (15 U.S.C. 6801 et seq.).

8 (17) APPROVAL OF MERGERS AND ACQUISI-
9 TIONS.—

10 (A) IN GENERAL.—No person may acquire
11 control of a permitted payment stablecoin issuer
12 without prior approval of the primary Federal
13 payment stablecoin regulator.

14 (B) APPLICATION.—A person (or group of
15 persons acting in concert) described in subpara-
16 graph (A) shall submit an application for prior
17 approval to the primary Federal payment
18 stablecoin regulator.

19 (C) PUBLIC COMMENTS.—

20 (i) IN GENERAL.—An primary Federal
21 payment stablecoin regulator receiving an
22 application under subparagraph (B) shall
23 provide a copy of the application to the
24 public (with any confidential information
25 redacted) and provide for a 60-day public

1 comment period during which the public
2 can submit written comments on the appli-
3 cation.

4 (ii) EXCEPTION.—An primary Federal
5 payment stablecoin regulator may waive
6 the requirement under clause (i) if the pri-
7 mary Federal payment stablecoin regulator
8 determines that the regulator must act im-
9 mediately to prevent the failure of the per-
10 mitted payment stablecoin issuer or in the
11 event of the probable failure of a parent
12 insured depository institution of a per-
13 mitted payment stablecoin issuer.

14 (D) EVALUATION.—In evaluating an appli-
15 cation received under subparagraph (B), the
16 primary Federal payment stablecoin regulator
17 shall take into consideration the factors de-
18 scribed in subsection (b)(4).

19 (E) CONSULTATION WITH RESPECT TO
20 REGISTERED PERMITTED PAYMENT
21 STABLECOIN ISSUERS.—With respect to an ap-
22 plication under this paragraph relating to a per-
23 mitted payment stablecoin issuer, the Board
24 shall consult with the applicable State payment
25 stablecoin regulator.

1 (F) RULEMAKING.—The Federal payment
2 stablecoin regulators shall, jointly, issue regula-
3 tions to carry out this paragraph, and such reg-
4 ulations shall, subject to the requirements of
5 subparagraph (A) through (E), be as close as
6 practicable to the process used in evaluating
7 and approving a change of control of an insured
8 depository institution under section 7(j) of the
9 Federal Deposit Insurance Act (12 U.S.C.
10 1817(j)).

11 (G) EXCEPTION.—The primary Federal
12 payment stablecoin regulator may waive the re-
13 quirements of this paragraph with respect to a
14 permitted payment stablecoin issuer if the
15 issuer is a subsidiary of an insured depository
16 institution, and such insured depository institu-
17 tion is subject to a change in control under sec-
18 tion 7(j) or 18(c) of the Federal Deposit Insur-
19 ance Act or under the Federal Credit Union
20 Act.

In section 5(c), add at the end the following:

21 (6) The benefit to the public, including on inno-
22 vation and competition, and to low- and moderate-
23 income communities, low-income and underserved in-
24 dividuals, and minorities.

In section 16, strike subsection (d) (and redesignate the subsequent subsection accordingly).

Add at the end the following:

1 SEC. 21. RESERVATION OF AUTHORITY.

2 (a) IN GENERAL.—Nothing in this Act shall limit the
3 authority of the primary Federal payment stablecoin regu-
4 lators, the Department of the Treasury, the Bureau of
5 Consumer Financial Protection, the Securities and Ex-
6 change Commission, or the Commodity Futures Trading
7 Commission, under any provision of law, including with
8 respect to any person subject to this Act.

9 (b) ANTITRUST SAVINGS CLAUSE.—Nothing in this
10 Act shall be construed to modify, impair, or supersede the
11 operation of any of the Federal antitrust laws, as defined
12 in subsection (a) of the first section of the Clayton Act
13 (15 U.S.C. 12(a)), or statutes proscribing unfair or decep-
14 tive acts or practices, as defined in section 5(a)(4) of the
15 Federal Trade Commission Act (15 U.S.C. 45(a)(4)).

16 SEC. 22. ASSESSMENTS.

17 (a) IN GENERAL.—Each primary Federal payment
18 stablecoin regulator shall assess permitted payment
19 stablecoin issuers for which the regulator is the primary
20 Federal payment stablecoin regulator in an amount that,
21 in the aggregate, is equal to the total costs of the regulator
22 in carrying out this Act.

1 (b) RULEMAKING.—The primary Federal payment
2 stablecoin regulators shall, jointly, issue regulations to es-
3 tablish a mechanism and assessment schedule to carry out
4 subsection (a), including the assessment base and rates
5 applicable to permitted payment stablecoin issuers, that
6 take into account differences among such issuers, includ-
7 ing the size and activity of the issuers.

