AMENDMENT TO THE RULES COMMITTEE PRINT 119–35

OFFERED BY MR. HIMES OF CONNECTICUT

Page 1, before line 1, insert the following:

DIVISION A—MAIN STREET CAPITAL ACCESS

Add at the end the following:

DIVISION B—SAFE BANKING

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Secure And Fair Enforcement Banking Act of 2026" or the "SAFE Banking Act of 2026".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) BUSINESS OF INSURANCE.—The term "business of insurance" has the meaning given the term in section 1002 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481).

(2) CBD.—The term "CBD" means cannabidiol.

(3) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term "community development financial institution" has the meaning given the term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

(4) DEPOSITORY INSTITUTION.—The term "depository institution"—

(A) means—

(i) a depository institution, as defined in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c));

(ii) a Federal credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752); and

(iii) a State credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752); and

(B) includes any minority depository institution, as defined in section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note).

(5) FEDERAL BANKING REGULATOR.—The term ‘‘Federal banking regulator’’ means each of the Board of Governors of the Federal Reserve System, the Bureau of Consumer Financial Protection, the Federal Deposit Insurance Corporation, the Federal Housing Finance Agency, the Office of the Comptroller of the Currency, the National Credit Union Administration, the Department of the Treasury (including the Financial Crimes Enforcement Network and the Office of Foreign Assets Control), or any Federal agency or department that regulates banking or financial services, as determined by the Secretary of the Treasury.

(6) FINANCIAL PRODUCT OR SERVICE.—The term ‘‘financial product or service’’ has the meaning given the term in section 1002 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481).

(7) FINANCIAL SERVICE.—The term "financial service"—

(A) means—

(i) a financial product or service, regardless of whether the customer receiving the product or service is a consumer or commercial entity; or

(ii) a financial product or service, or any combination of products and services, permitted to be provided by—

(I) a national bank or a financial subsidiary pursuant to the authority provided under—

(aa) the paragraph designated as the "Seventh" of section 5136 of the Revised Statutes (12 U.S.C. 24); or

(bb) section 5136A of the Revised Statutes (12 U.S.C. 24a);

(II) a Federal credit union, pursuant to the authority provided under the Federal Credit Union Act (12 U.S.C. 1751 et seq.); or

(III) a community development financial institution; and

(B) includes—

(i) the business of insurance;

(ii) whether performed directly or indirectly, the authorizing, processing, clearing, settling, billing, transferring for deposit, transmitting, delivering, instructing to be delivered, reconciling, collecting, or otherwise effectuating or facilitating the payment of funds that are made or transferred by any means, including by the use of credit cards, debit cards, other payment cards, or other access devices, accounts, original or substitute checks, or electronic funds transfers;

(iii) acting as a money transmitting business that directly or indirectly makes use of a depository institution in connection with effectuating or facilitating a payment for a State-sanctioned marijuana business or service provider in compliance with section 5330 of title 31, United States Code, and any applicable State or Tribal law; and

(iv) acting as an armored car service for processing and depositing with a depository institution or a Federal reserve bank with respect to any monetary instruments, as defined in section 1956(c)(5) of title 18, United States Code.

(8) HEMP.—The term ‘‘hemp’’ has the meaning given the term in section 297A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o).

(9) HEMP-RELATED LEGITIMATE BUSINESS.—The term ‘‘hemp-related legitimate business’’ means a manufacturer, producer, or any person or company that—

(A) engages in any activity described in subparagraph (B) in conformity with the Agriculture Improvement Act of 2018 (Public Law 115–334; 132 Stat. 4490), amendments made by that Act, and the regulations issued to implement that Act by the Department of Agriculture, where applicable, and the law of a State, an Indian Tribe, or a political subdivision of a State; and

(B) participates in any business or organized activity that involves handling hemp, hemp-derived CBD products, and other hemp-derived cannabinoid products, including cultivating, producing, extracting, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing hemp, hemp-derived CBD products, and other hemp-derived cannabinoid products.

(10) HEMP-RELATED SERVICE PROVIDER.—The term ‘‘hemp-related service provider’’—

(A) means a business, organization, or other person that—

(i) sells goods or services to a hemp-related legitimate business; or

(ii) provides any business services, including the sale or lease of real or any other property, legal or other licensed services, or any other ancillary service, relating to hemp, hemp-derived CBD products, or other hemp-derived cannabinoid products; and

(B) does not include a business, organization, or other person that participates in any business or organized activity that involves handling hemp, hemp-derived CBD products, or other hemp-derived cannabinoid products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing hemp, hemp-derived CBD products, and other hemp-derived cannabinoid products.

(11) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term "Indian tribe" in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130).

(12) INSURER.—The term "insurer" has the meaning given the term in section 313(r) of title 31, United States Code.

(13) MANUFACTURER.—The term "manufacturer" means a person who manufactures, compounds, converts, processes, prepares, or packages marijuana or marijuana products.

(14) MARIJUANA.—The term "marijuana" has the meaning given the term "marihuana" in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(15) MARIJUANA PRODUCT.—The term "marijuana product" means any article that contains marijuana, including an article that is a concentrate, an edible, a tincture, a marijuana-infused product, or a topical.

(16) PRODUCER.—The term ''producer'' means a person who plants, cultivates, harvests, or in any way facilitates the natural growth of marijuana.

(17) SERVICE PROVIDER.—The term ''service provider''—

(A) means a business, organization, or other person that—

(i) sells goods or services to a State-sanctioned marijuana business; or

(ii) provides any business services, including the sale or lease of real or any other property, legal or other licensed services, or any other ancillary service, relating to a State-sanctioned marijuana business; and

(B) does not include a business, organization, or other person that participates in any business or organized activity that involves handling marijuana or marijuana products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing marijuana or marijuana products.

(18) STATE.—The term ''State'' means each of the several States, the District of Columbia, the

Commonwealth of Puerto Rico, and any territory or possession of the United States.

(19) STATE-SANCTIONED MARIJUANA BUSINESS.—The term ''State-sanctioned marijuana business'' means a manufacturer, producer, or any person that—

(A) engages in any activity described in subparagraph (B) pursuant to a law established by a State, an Indian Tribe, or a political subdivision of a State, as determined by such State, Indian Tribe, or political subdivision; and

(B) participates in any business or organized activity that involves handling marijuana or marijuana products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing marijuana or marijuana products.

SEC. 3. SAFE HARBOR FOR DEPOSITORY INSTITUTIONS.

(a) PROHIBITION.—A Federal banking regulator may not—

(1) terminate or limit the deposit insurance or share insurance of a depository institution under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) or the Federal Credit Union Act (12 U.S.C. 1751 et seq.) or take any other adverse action

against a depository institution under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) or the Federal Credit Union Act (12 U.S.C. 1751 et seq.) solely because the depository institution provides or has provided financial services to a State-sanctioned marijuana business or service provider;

(2) prohibit, penalize, or otherwise discourage a depository institution from providing financial services to—

(A) a State-sanctioned marijuana business or service provider solely because the business or service provider is a State-sanctioned marijuana business or service provider; or

(B) a State, an Indian Tribe, or a political subdivision of a State solely because that entity exercises jurisdiction over State-sanctioned marijuana businesses;

(3) recommend, incentivize, or encourage a depository institution not to offer financial services to an account holder, or to downgrade or cancel the financial services offered to an account holder, solely because—

(A) the account holder is a State-sanctioned marijuana business or service provider, or is an employee, owner, or operator of a

State-sanctioned marijuana business or service provider;

(B) the account holder later becomes an employee, owner, or operator of a State-sanctioned marijuana business or service provider; or

(C) the depository institution was not aware, after conducting sufficient risk-based customer due diligence in accordance with applicable requirements, that the account holder is an employee, owner, or operator of a State-sanctioned marijuana business or service provider;

(4) take any adverse or corrective supervisory action on a loan made to—

(A) a State-sanctioned marijuana business or service provider, solely because the business is a State-sanctioned marijuana business or service provider;

(B) an employee, owner, or operator of a State-sanctioned marijuana business or service provider, solely because the employee, owner, or operator is employed by, owns, or operates a State-sanctioned marijuana business or service provider, as applicable; or

(C) an owner or operator of real estate or equipment that is leased to a State-sanctioned marijuana business or service provider, solely because the owner or operator of the real estate or equipment leased the equipment or real estate to a State-sanctioned marijuana business or service provider, as applicable; or

(5) prohibit or penalize a depository institution (or entity performing a financial service for or in association with a depository institution) for, or otherwise discourage a depository institution (or entity performing a financial service for or in association with a depository institution) from, engaging in a financial service for a State-sanctioned marijuana business or service provider solely because the business or service provider is a State-sanctioned marijuana business or service provider.

(b) SAFE HARBOR APPLICABLE TO DE NOVO INSTITUTIONS.—Subsection (a) shall apply to an institution applying for a depository institution charter to the same extent as such subsection applies to a depository institution.

SEC. 4. PROTECTIONS FOR PROVIDING SERVICES TO STATE-SANCTIONED MARIJUANA BUSINESSES.

For the purposes of sections 1956 and 1957 of title 18, United States Code, and all other provisions of Federal law, the proceeds from marijuana-related activities of a State-sanctioned marijuana business or service provider that conducts all of its marijuana-related activity in compliance with the marijuana-related law of the State, Indian Tribe, or political subdivision of the State shall not be considered proceeds from an unlawful activity solely because—

(1) the transaction involves proceeds from a State-sanctioned marijuana business or service provider; or

(2) the transaction involves proceeds from—

(A) marijuana-related activities described in section 2(19)(B) conducted by a State-sanctioned marijuana business; or

(B) activities described in section 2(17)(A) conducted by a service provider.

SEC. 5. PROTECTIONS UNDER FEDERAL LAW.

(a) IN GENERAL.—With respect to providing a financial service to a State-sanctioned marijuana business (where such State-sanctioned marijuana business operates within a State, an Indian Tribe, or a political subdivision of a State that allows the cultivation, production, manufacture, sale, transportation, display, dispensing, distribution, or purchase of marijuana pursuant to a law or regulation of such State, Indian Tribe, or political subdivision, as applicable) or a service provider (wherever located), a depository institution, an entity performing a financial service for or in association with a depository institution, a community development financial institution, or an insurer that provides a financial service to a State-sanctioned marijuana business or service provider, and the officers, directors, employees, and agents of that depository institution, entity, community development financial institution, or insurer may not be held liable pursuant to any Federal law or regulation—

(1) solely for providing such a financial service; or

(2) for further investing any income derived from such a financial service.

(b) PROTECTIONS FOR FEDERAL RESERVE BANKS AND FEDERAL HOME LOAN BANKS.—With respect to providing a service to a depository institution that provides a financial service to a State-sanctioned marijuana business (where such State-sanctioned marijuana business operates within a State, an Indian Tribe, or a political subdivision of a State that allows the cultivation, production, manufacture, sale, transportation, display, dispensing, distribution, or purchase of marijuana pursuant to a law or regulation of such State, Indian Tribe, or political subdivision, as applicable) or service provider (wherever located), a Federal reserve bank or Federal Home Loan Bank, and the officers, directors, and employees of the Federal reserve bank or Federal Home Loan Bank, may not be held liable pursuant to any Federal law or regulation—

(1) solely for providing such a service; or

(2) for further investing any income derived from such a service.

(c) PROTECTIONS FOR INSURERS.—With respect to engaging in the business of insurance within a State, an Indian Tribe, or a political subdivision of a State that allows the cultivation, production, manufacture, sale, transportation, display, dispensing, distribution, or purchase of marijuana pursuant to a law or regulation of such State, Indian Tribe, or political subdivision, as applicable, an insurer that engages in the business of insurance with a State-sanctioned marijuana business or service provider or that otherwise engages with a person in a transaction permissible pursuant to a law (including regulations) of such State, Indian Tribe, or political subdivision related to marijuana, and the officers, directors, and employees of that insurer, may not be held liable pursuant to any Federal law or regulation—

(1) solely for engaging in the business of insurance; or

(2) for further investing any income derived from the business of insurance.

(d) FORFEITURE.—

(1) DEPOSITORY INSTITUTIONS AND COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.—A depository institution or community development financial institution that has a legal interest in the collateral for a loan or another financial service provided to an owner, employee, or operator of a State-sanctioned marijuana business or service provider, or to an owner or operator of real estate or equipment that is leased or sold to a State-sanctioned marijuana business or service provider, shall not be subject to criminal, civil, or administrative forfeiture of that legal interest pursuant to any Federal law solely for providing such loan or other financial service.

(2) FEDERAL RESERVE BANKS AND FEDERAL HOME LOAN BANKS.—A Federal reserve bank or Federal Home Loan Bank that has a legal interest in the collateral for a loan or another financial service provided to a depository institution that provides

a financial service to a State-sanctioned marijuana business or service provider, or to an owner or operator of real estate or equipment that is leased or sold to a State-sanctioned marijuana business or service provider, shall not be subject to criminal, civil, or administrative forfeiture of that legal interest pursuant to any Federal law for providing such loan or other financial service.

(3) FEDERAL NATIONAL MORTGAGE ASSOCIATION, FEDERAL HOME LOAN MORTGAGE CORPORATION, AND FEDERAL AGENCIES MAKING, INSURING, OR GUARANTEEING MORTGAGE LOANS OR SECURITIES.—The Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and any Federal agency that has a legal interest in the collateral for a residential mortgage loan, including individual units of condominiums and cooperatives, provided that the collateral is a property designed principally for the occupancy of 1 to 4 families and underwritten, in whole or in part, based on income from a State-sanctioned marijuana business or service provider, shall not be subject to criminal, civil, or administrative forfeiture of that legal interest pursuant to any Federal law for providing, insuring, guar-

anteeing, purchasing, securitizing, or guaranteeing payments from a security based on such loan.

(4) OTHER PARTIES TO MORTGAGE LOANS.—A nondepository lender that makes a federally backed mortgage loan, as defined in section 9(a), and any person who otherwise has a legal interest in such a loan or in the collateral of the loan, including individual units of condominiums and cooperatives, provided that the collateral is a property designed principally for the occupancy of 1 to 4 families and underwritten, in whole or in part, based on income from a State-sanctioned marijuana business or service provider, shall not be subject to criminal, civil, or administrative forfeiture of that legal interest pursuant to any Federal law for providing, purchasing, securitizing, accepting, and making payments related to such federally backed mortgage loan solely because loan payments or underwriting are based on income that is in whole or in part from a State-sanctioned marijuana business or service provider.

(5) DEFINITION.—In this subsection, the term ''collateral'' does not include marijuana or a marijuana product.

SEC. 6. REQUIREMENTS FOR FILING SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) by redesignating paragraph (11) as paragraph (12); and

(2) by inserting after paragraph (10) the following:

"(11) REQUIREMENTS FOR STATE-SANCTIONED MARIJUANA BUSINESSES.—

"(A) IN GENERAL.—With respect to a financial institution, or any director, officer, employee, or agent of a financial institution, that reports a suspicious transaction pursuant to this subsection, if the reason for the report relates to a State-sanctioned marijuana business or service provider, the report shall comply with appropriate guidance issued by the Secretary of the Treasury. Not later than the end of the 180-day period beginning on the date of enactment of the Secure And Fair Enforcement Banking Act of 2026, the Secretary shall amend the February 14, 2014, guidance titled 'BSA Expectations Regarding Marijuana-Related Businesses' (FIN–2014–G001) or issue new guidance to ensure consistency with the purpose and intent of the Secure And Fair Enforcement Banking Act of 2026, and the amendments made by that Act, and that such guidance ensures that a financial institution, and any director, officer, employee, or agent of a financial institution, continues to report suspicious transactions pursuant to this subsection, as applicable, relating to State-sanctioned marijuana businesses and service providers to preserve the ability of the Financial Crimes Enforcement Network to prevent and combat illicit activity.

"(B) DEFINITIONS.—In this paragraph:

"(i) FINANCIAL SERVICE; SERVICE PROVIDER; STATE; STATE-SANCTIONED MARIJUANA BUSINESS.—The terms 'financial service', 'service provider', 'State', and 'State-sanctioned marijuana business' have the meanings given the terms in section 2 of the SAFE Banking Act of 2026.

"(ii) INDIAN COUNTRY.—The term 'Indian country' has the meaning given the term in section 1151 of title 18.

"(iii) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130).

"(iv) MARIJUANA.—The term 'marijuana' has the meaning given the term 'marihuana' in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

SEC. 7. GUIDANCE AND EXAMINATION PROCEDURES.

(a) UNIFORM GUIDANCE AND EXAMINATION PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Federal Financial Institutions Examination Council, in consultation with the Department of the Treasury, shall develop uniform guidance and examination procedures for depository institutions that provide financial services to State-sanctioned marijuana businesses and service providers.

(b) LEGACY DEPOSITS.—The guidance and examination procedures described in subsection (a) shall permit a depository institution to accept a deposit of currency from a State-sanctioned marijuana business if—

(1) the business received the currency during the 90-day period ending on the date on which the business commenced its relationship with the depository institution;

(2) the business provided the depository institution with records sufficient to demonstrate the source of the currency being deposited by the business;

(3) the amount of the currency is reasonable in light of the expected revenue of the business, as determined by the depository institution consistent with the risk-based procedures for ensuring compliance with the section 5318(h) of title 31, United States Code, and any applicable regulations implementing that section; and

(4) the depository institution complies with any other applicable reporting requirements pursuant to subchapter II of chapter 53 of title 31, United States Code, and any applicable regulations implementing that subchapter.

SEC. 8. BANKING SERVICES FOR HEMP-RELATED LEGITIMATE BUSINESSES AND HEMP-RELATED SERVICE PROVIDERS.

(a) FINDINGS.—Congress finds that—

(1) section 12619 of the Agriculture Improvement Act of 2018 (Public Law 115–334; 132 Stat. 5018) legalized hemp by removing it from the definition of marihuana under section 102 of the Controlled Substances Act (21 U.S.C. 802);

(2) despite the legalization of hemp, some hemp businesses (including producers, manufacturers, and retailers) continue to have difficulty gaining access to banking products and services; and

(3) businesses involved in the sale of hemp-derived CBD products are particularly affected, due to confusion about the legal status of such products.

(b) DEFINITION.—In this section, the term "financial institution"—

(1) has the meaning given the term in section 5312(a) of title 31, United States Code; and

(2) includes a bank holding company, as defined in section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)).

(c) FEDERAL BANKING REGULATORS' HEMP BANKING GUIDANCE.—Not later than the end of the 90-day period beginning on the date of enactment of this Act, each Federal banking regulator shall update guidance, as in effect on the date of enactment of this Act, regarding providing financial services to hemp-related legitimate businesses and hemp-related service providers to address—

(1) compliance with obligations of financial institutions, as of the date of enactment of this Act, under Federal laws (including regulations) determined relevant by the Federal banking regulator and

the Department of the Treasury, including subchapter II of chapter 53 of title 31, United States Code, and its implementing regulation in conformity with this Act and the regulations relating to domestic hemp production under part 990 of title 7, Code of Federal Regulations; and

(2) best practices for financial institutions to follow when providing financial services, including processing payments, to hemp-related legitimate businesses and hemp-related service providers.

SEC. 9. TREATMENT OF INCOME DERIVED FROM A STATE-SANCTIONED MARIJUANA BUSINESS FOR QUALIFICATION FOR A FEDERALLY BACKED SINGLE-FAMILY MORTGAGE LOAN.

(a) DEFINITION.—In this section, the term ''federally backed mortgage loan'' means any loan secured by a first or subordinate lien on residential real property, including individual units of condominiums and cooperatives, designed principally for the occupancy of 1 to 4 families that is—

(1) insured by the Federal Housing Administration under title I or title II of the National Housing Act (12 U.S.C. 1702 et seq., 1707 et seq.);

(2) insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20);

(3) guaranteed under section 184 or 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a, 1715z–13b);

(4) guaranteed, insured, or made by the Department of Veterans Affairs;

(5) guaranteed, insured, or made by the Department of Agriculture; or

(6) purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(b) TREATMENT OF INCOME.—

(1) IN GENERAL.—Income derived from a State-sanctioned marijuana business that operates within a State, an Indian Tribe, or a political subdivision of a State that allows the cultivation, production, manufacture, sale, transportation, display, dispensing, distribution, or purchase of marijuana pursuant to a law or regulation of the State, Indian Tribe, or political subdivision, as applicable, or a service provider (wherever located), shall be considered in the same manner as any other legal income for purposes of determining eligibility for a federally backed mortgage loan for a 1- to 4-unit property that is the principal residence of the mortgagor.

(2) LIABILITY.—The mortgagee or servicer of a federally backed mortgage loan described in paragraph (1), or any Federal agency, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, may not be held liable pursuant to any Federal law or regulation solely for—

(A) providing, insuring, guaranteeing, purchasing, or securitizing a mortgage to an otherwise qualified borrower on the basis of the income described in paragraph (1); or

(B) accepting the income described in paragraph (1) as payment on the federally backed mortgage loan.

(c) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act—

(1) the Federal Housing Administration shall implement subsection (b)—

(A) by notice or mortgagee letter for loans insured under title I, title II, or section 255 of the National Housing Act (12 U.S.C. 1702 et seq., 1707 et seq., 1715z–20); and

(B) by lender letter for loans guaranteed under section 184 or 184A of the Housing and

Community Development Act of 1992 (12 U.S.C. 1715z–13a, 1715z–13b);

(2) the Department of Veterans Affairs shall implement subsection (b) by circular or handbook for loans guaranteed, insured, or made by the Department;

(3) the Department of Agriculture shall implement subsection (b) by bulletin for loans guaranteed or made by the Department;

(4) the Federal Home Loan Mortgage Corporation shall implement subsection (b) by updating its Single-Family Seller/Servicer Guide for loans purchased or securitized by the Corporation; and

(5) the Federal National Mortgage Association shall implement subsection (b) by updating its Single Family Selling Guide for loans purchased or securitized by the Association.

SEC. 10. REQUIREMENTS FOR DEPOSIT ACCOUNT TERMINATION REQUESTS AND ORDERS.

(a) CONDITIONS FOR TERMINATION.—

(1) IN GENERAL.—An appropriate Federal banking agency may not formally or informally request or order a depository institution to terminate a specific customer account or group of customer accounts (including, but not limited to, any account of

any customer that is a State-sanctioned marijuana business or service provider) or to otherwise restrict or discourage a depository institution from entering into or maintaining a banking relationship with a specific customer or group of customers (including, but not limited to, with any customer that is a State-sanctioned marijuana business or service provider), unless—

(A) the agency has made a written determination that the depository institution is—

(i) engaging in an unsafe or unsound practice; or

(ii) violating a rule, law, regulation, or order with respect to the relationship of the depository institution with the customer (or, in the case of a group of customers, specific customers within the group); and

(B) such reason is not based primarily on reputational risk.

(2) TREATMENT OF NATIONAL SECURITY THREATS.—If an appropriate Federal banking agency believes a specific customer or group of customers is, or is acting as a conduit for, an entity that—

(A) poses a threat to national security;

(B) is involved in terrorist financing;

(C) is an agency of the Government of Iran, North Korea, Syria, or any country listed from time to time on the State Sponsors of Terrorism list;

(D) is located in, or is subject to the jurisdiction of, any country specified in subparagraph (C); or

(E) does business with any entity described in subparagraph (C) or (D), unless the appropriate Federal banking agency determines that the customer or group of customers has used due diligence to avoid doing business with any entity described in subparagraph (C) or (D),

such belief shall satisfy the requirement under paragraph (1).

(b) NOTICE REQUIREMENT.—

(1) IN GENERAL.—If an appropriate Federal banking agency formally or informally requests or orders a depository institution to terminate a specific customer account or a group of customer accounts, the agency shall—

(A) provide such request or order to the institution in writing; and

(B) accompany such request or order with a written justification for why such termination is needed, including any specific laws or regulations the agency believes are being violated by the customer or group of customers, if any.

(2) JUSTIFICATION REQUIREMENT.—A justification described under paragraph (1)(B) may not be based solely on the reputational risk to the depository institution.

(c) CUSTOMER NOTICE.—

(1) NOTICE REQUIRED.—Except as provided under paragraph (2) or as otherwise prohibited from being disclosed by law, if an appropriate Federal banking agency orders a depository institution to terminate a specific customer account or a group of customer accounts, the depository institution shall inform the specific customer or group of customers of the justification for the customer's account termination described under subsection (b).

(2) NOTICE PROHIBITED.—

(A) NOTICE PROHIBITED IN CASES OF NATIONAL SECURITY.—If an appropriate Federal banking agency requests or orders a depository institution to terminate a specific customer account or a group of customer accounts based on a belief that the customer or customers pose a threat to national security, or are otherwise described under subsection (a)(2), neither the depository institution nor the appropriate Federal banking agency may inform the customer or customers of the justification for the customer's account termination.

(B) NOTICE PROHIBITED IN OTHER CASES.—If an appropriate Federal banking agency determines that the notice required under paragraph (1) may interfere with an authorized criminal investigation, neither the depository institution nor the appropriate Federal banking agency may inform the specific customer or group of customers of the justification for the customer's account termination.

(d) REPORTING REQUIREMENT.—Each appropriate Federal banking agency shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives an annual report stating—

(1) the aggregate number of specific customer accounts that the agency requested that a depository institution terminate, or ordered a depository institution to terminate, during the previous year; and

(2) the legal authority on which the agency relied in making each request and order under paragraph (1) and the frequency on which the agency relied on each such authority.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" means—

(A) the appropriate Federal banking agency, as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(B) the National Credit Union Administration, in the case of an insured credit union.

(2) DEPOSITORY INSTITUTION.—The term "depository institution" means—

(A) a depository institution, as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(B) an insured credit union.

SEC. 11. ANNUAL DIVERSITY AND INCLUSION REPORT.

The Federal banking regulators shall submit to Congress an annual report containing—

(1) information and data on the availability of access to financial services for minority-owned, vet-

eran-owned, women-owned, and small State-sanctioned marijuana businesses; and

(2) any regulatory or legislative recommendations for expanding access to financial services for minority-owned, veteran-owned, women-owned, and small State-sanctioned marijuana businesses and hemp-related legitimate businesses.

SEC. 12. GAO STUDY ON DIVERSITY AND INCLUSION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the barriers to marketplace entry, including in the licensing process, and the access to financial services for potential and existing minority-owned, veteran-owned, women-owned, and small State-sanctioned marijuana businesses and hemp-related legitimate businesses.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report containing—

(1) all findings and determinations made in conducting the study required under subsection (a); and

(2) any regulatory or legislative recommendations for removing barriers to marketplace entry and success, including in the licensing process, and ex-

panding access to financial services for potential and existing minority-owned, veteran-owned, women-owned, and small State-sanctioned marijuana businesses and hemp-related legitimate businesses.

SEC. 13. GAO STUDY ON EFFECTIVENESS OF CERTAIN REPORTS ON FINDING CERTAIN PERSONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Attorney General, shall conduct a study on—

(1) the effectiveness of reports on suspicious transactions filed pursuant to section 5318(g) of title 31, United States Code, at finding individuals or organizations suspected or known to be engaged with transnational criminal organizations; and

(2) whether any engagement described in paragraph (1) exists in a State, an Indian Tribe, or a political subdivision of a State that allows the cultivation, production, manufacture, sale, transportation, display, dispensing, distribution, or purchase of marijuana.

(b) REQUIREMENTS.—The study required under subsection (a) shall examine reports on suspicious transactions—

(1) relating to marijuana-related businesses, as described in the guidance entitled ''BSA Expectations Regarding Marijuana-Related Businesses'', published by the Financial Crimes Enforcement Network of the Department of the Treasury on February 14, 2014, during the period beginning on January 1, 2014, and ending on the date of enactment of this Act; and

(2) relating to State-sanctioned marijuana businesses during the period beginning on January 1, 2014, and ending on the date that is 1 year after the date of enactment of this Act.

SEC. 14. APPLICABILITY TO HEMP-RELATED LEGITIMATE BUSINESSES AND HEMP-RELATED SERVICE PROVIDERS.

The provisions of this Act (other than sections 6 and 13) shall apply with respect to hemp-related legitimate businesses and hemp-related service providers in the same manner as such provisions apply with respect to State-sanctioned marijuana businesses and service providers.

SEC. 15. RULES OF CONSTRUCTION.

(a) NO REQUIREMENT TO PROVIDE FINANCIAL SERVICES.—Nothing in this Act shall require a depository institution, an entity performing a financial service for or in association with a depository institution, a community development financial institution, or an insurer to provide financial services to a State-sanctioned marijuana business, service provider, or any other business.

(b) GENERAL EXAMINATION, SUPERVISORY, AND ENFORCEMENT AUTHORITY.—Nothing in this Act may be construed in any way to limit or otherwise restrict the general examination, supervisory, and enforcement authority of the Federal banking regulators (including the Department of the Treasury), provided that any supervisory or enforcement action is not being taken solely because the provision of financial services to a State-sanctioned marijuana business or service provider.

(c) BUSINESS OF INSURANCE.—Nothing in this Act shall interfere with the regulation of the business of insurance in accordance with the Act entitled ''An Act to express the intent of the Congress with reference to the regulation of the business of insurance'', approved March 9, 1945 (commonly known as the ''McCarran-Ferguson Act''; 15 U.S.C. 1011 et seq.), and the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301 et seq.).

(d) LAW ENFORCEMENT AUTHORITY.—Nothing in this Act shall restrict or limit the ability of Federal law enforcement agencies to investigate and prosecute money-laundering crimes involving proceeds of illegal activity other than marijuana-related activities conducted in compliance with the law of the State, Indian Tribe, or political subdivision of a State by a State-sanctioned marijuana business or service provider.

SEC. 16. DEEMING.

In this Act, other than this section, each reference to ‘‘this Act’’ is deemed a reference to ‘‘this division’’.