

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. LUTKEMEYER OF MISSOURI**

Page 932, line 14, strike “Section” and insert the following:

1       (a) STOCKHOLDER DIVIDENDS.—Section

Page 932, after line 19 insert the following:

2       (b) SYSTEMIC RISK DESIGNATION IMPROVEMENT.—

3           (1) TABLE OF CONTENTS.—The table of con-  
4       tents for the Dodd-Frank Wall Street Reform and  
5       Consumer Protection Act (12 U.S.C. 5301 et seq.)  
6       is amended by striking the item relating to section  
7       113 and inserting the following:

“Sec. 113. Authority to require enhanced supervision and regulation of certain  
nonbank financial companies and certain bank holding compa-  
nies.”.

8           (2) REVISIONS TO COUNCIL AUTHORITY.—

9           (A) PURPOSES AND DUTIES.—Section 112  
10       of the Dodd-Frank Wall Street Reform and  
11       Consumer Protection Act (12 U.S.C. 5322) is  
12       amended in subsection (a)(2)(I) by inserting be-  
13       fore the semicolon “, which have been the sub-

1           ject of a final determination under section  
2           113”.

3           (B) BANK HOLDING COMPANY DESIGNA-  
4           TION.—Section 113 of the Dodd-Frank Wall  
5           Street Reform and Consumer Protection Act  
6           (12 U.S.C. 5323) is amended—

7                   (i) by amending the heading for such  
8                   section to read as follows: “**AUTHORITY**  
9                   **TO REQUIRE ENHANCED SUPERVISION**  
10                   **AND REGULATION OF CERTAIN**  
11                   **NONBANK FINANCIAL COMPANIES AND**  
12                   **CERTAIN BANK HOLDING COMPA-**  
13                   **NIES**”;

14                   (ii) by redesignating subsections (c),  
15                   (d), (e), (f), (g), (h), and (i) as subsections  
16                   (d), (e), (f), (g), (h), (i), and (j), respec-  
17                   tively;

18                   (iii) by inserting after subsection (b)  
19                   the following:

20           “(c) BANK HOLDING COMPANIES SUBJECT TO EN-  
21           HANCED SUPERVISION AND PRUDENTIAL STANDARDS  
22           UNDER SECTION 165.—

23                   “(1) DETERMINATION.—The Council, on a non-  
24                   delegable basis and by a vote of not fewer than  $\frac{2}{3}$   
25                   of the voting members then serving, including an af-

1 firmative vote by the Chairperson, may determine  
2 that a bank holding company shall be subject to en-  
3 hanced supervision and prudential standards by the  
4 Board of Governors, in accordance with section 165,  
5 if the Council determines, based on the consider-  
6 ations in paragraph (2), that material financial dis-  
7 tress at the bank holding company, or the nature,  
8 scope, size, scale, concentration, interconnectedness,  
9 or mix of the activities of the bank holding company,  
10 could pose a threat to the financial stability of the  
11 United States.

12 “(2) CONSIDERATIONS.—In making a deter-  
13 mination under paragraph (1), the Council shall use  
14 the indicator-based measurement approach estab-  
15 lished by the Basel Committee on Banking Super-  
16 vision to determine systemic importance, which con-  
17 siders—

18 “(A) the size of the bank holding company;

19 “(B) the interconnectedness of the bank  
20 holding company;

21 “(C) the extent of readily available sub-  
22 stitutes or financial institution infrastructure  
23 for the services of the bank holding company;

24 “(D) the global cross-jurisdictional activity  
25 of the bank holding company; and

1           “(E) the complexity of the bank holding  
2           company.

3           “(3) GSIBS DESIGNATED BY OPERATION OF  
4           LAW.—Notwithstanding any other provision of this  
5           subsection, a bank holding company that is des-  
6           ignated, as of the date of enactment of this sub-  
7           section, as a Global Systemically Important Bank by  
8           the Financial Stability Board shall be deemed to  
9           have been the subject of a final determination under  
10          paragraph (1).”;

11                       (iv) in subsection (d), as so redesign-  
12          nated—

13                               (I) in paragraph (1)(A), by strik-  
14                               ing “subsection (a)(2) or (b)(2)” and  
15                               inserting “subsection (a)(2), (b)(2), or  
16                               (c)(2)”; and

17                               (II) in paragraph (4), by striking  
18                               “Subsections (d) through (h)” and in-  
19                               serting “Subsections (e) through (i)”;  
20                               (v) in subsections (e), (f), (g), (h), (i),  
21          and (j)—

22                               (I) by striking “subsections (a)  
23                               and (b)” each place such term ap-  
24                               pears and inserting “subsections (a),  
25                               (b), and (c)”; and

1 (II) by striking “nonbank finan-  
2 cial company” each place such term  
3 appears and inserting “bank holding  
4 company for which there has been a  
5 determination under subsection (c) or  
6 nonbank financial company”;

7 (vi) in subsection (g), as so redesign-  
8 ated, by striking “subsection (e)” and in-  
9 serting “subsection (f)”;

10 (vii) in subsection (h), as so redesign-  
11 ated, by striking “subsection (a), (b), or  
12 (c)” and inserting “subsection (a), (b), (c),  
13 or (d)”;

14 (viii) in subsection (i), as so redesign-  
15 ated, by striking “subsection (d)(2),  
16 (e)(3), or (f)(5)” and inserting “subsection  
17 (e)(2), (f)(3), or (g)(5)”.

18 (C) ENHANCED SUPERVISION.—Section  
19 115 of the Dodd-Frank Wall Street Reform and  
20 Consumer Protection Act (12 U.S.C. 5325) is  
21 amended—

22 (i) in subsection (a)(1), by striking  
23 “large, interconnected bank holding com-  
24 panies” and inserting “bank holding com-

1                   panies which have been the subject of a  
2                   final determination under section 113”;

3                   (ii) in subsection (a)(2)—

4                   (I) in subparagraph (A), by strik-  
5                   ing “; or” at the end and inserting a  
6                   period;

7                   (II) by striking “the Council  
8                   may” and all that follows through  
9                   “differentiate” and inserting “the  
10                  Council may differentiate”; and

11                  (III) by striking subparagraph  
12                  (B); and

13                  (iii) in subsection (b)(3), by striking  
14                  “subsections (a) and (b) of section 113”  
15                  each place such term appears and inserting  
16                  “subsections (a), (b), and (c) of section  
17                  113”.

18                  (D) REPORTS.—Section 116(a) of the  
19                  Dodd-Frank Wall Street Reform and Consumer  
20                  Protection Act (12 U.S.C. 5326(a)) is amended  
21                  by striking “with total consolidated assets of  
22                  \$50,000,000,000 or greater” and inserting  
23                  “which has been the subject of a final deter-  
24                  mination under section 113”.

1 (E) MITIGATION.—Section 121 of the  
2 Dodd-Frank Wall Street Reform and Consumer  
3 Protection Act (12 U.S.C. 5331) is amended—

4 (i) in subsection (a), by striking “with  
5 total consolidated assets of  
6 \$50,000,000,000 or more” and inserting  
7 “which has been the subject of a final de-  
8 termination under section 113”; and

9 (ii) in subsection (c), by striking “sub-  
10 section (a) or (b) of section 113” and in-  
11 serting “subsection (a), (b), or (c) of sec-  
12 tion 113”.

13 (F) OFFICE OF FINANCIAL RESEARCH.—  
14 Section 155 of the Dodd-Frank Wall Street Re-  
15 form and Consumer Protection Act (12 U.S.C.  
16 5345) is amended in subsection (d) by striking  
17 “with total consolidated assets of  
18 50,000,000,000 or greater” and inserting  
19 “which have been the subject of a final deter-  
20 mination under section 113”.

21 (3) REVISIONS TO BOARD AUTHORITY.—

22 (A) ACQUISITIONS.—Section 163 of the  
23 Dodd-Frank Wall Street Reform and Consumer  
24 Protection Act (12 U.S.C. 5363) is amended by  
25 striking “with total consolidated assets equal to

1 or greater than \$50,000,000,000” each place  
2 such term appears and inserting “which has  
3 been the subject of a final determination under  
4 section 113”.

5 (B) MANAGEMENT INTERLOCKS.—Section  
6 164 of the Dodd-Frank Wall Street Reform and  
7 Consumer Protection Act (12 U.S.C. 5364) is  
8 amended by striking “with total consolidated  
9 assets equal to or greater than  
10 \$50,000,000,000” and inserting “which has  
11 been the subject of a final determination under  
12 section 113”.

13 (C) ENHANCED SUPERVISION AND PRU-  
14 DENTIAL STANDARDS.—Section 165 of the  
15 Dodd-Frank Wall Street Reform and Consumer  
16 Protection Act (12 U.S.C. 5365) is amended—

17 (i) in subsection (a), by striking “with  
18 total consolidated assets equal to or great-  
19 er than \$50,000,000,000” and inserting  
20 “which have been the subject of a final de-  
21 termination under section 113”;

22 (ii) in subsection (a)(2)—

23 (I) by striking “(A) IN GEN-  
24 ERAL.—”; and



1 (II) by striking subparagraph  
2 (B);

3 (iii) by striking “subsections (a) and  
4 (b) of section 113” each place such term  
5 appears and inserting “subsections (a),  
6 (b), and (c) of section 113”; and

7 (iv) in subsection (j), by striking  
8 “with total consolidated assets equal to or  
9 greater than \$50,000,000,000” and insert-  
10 ing “which has been the subject of a final  
11 determination under section 113”.

12 (D) CONFORMING AMENDMENT.—The sec-  
13 ond subsection (s) (relating to “Assessments,  
14 Fees, and Other Charges for Certain Compa-  
15 nies”) of section 11 of the Federal Reserve Act  
16 (12 U.S.C. 248) is amended—

17 (i) by redesignating such subsection  
18 as subsection (t); and

19 (ii) in paragraph (2)—

20 (I) in subparagraph (A), by strik-  
21 ing “having total consolidated assets  
22 of \$50,000,000,000 or more;” and in-  
23 sserting “which have been the subject  
24 of a final determination under section  
25 113 of the Dodd-Frank Wall Street

1 Reform and Consumer Protection Act;  
2 and”;

3 (II) by striking subparagraph  
4 (B); and

5 (III) by redesignating subpara-  
6 graph (C) as subparagraph (B).

7 (4) EFFECTIVE DATE; RULE OF APPLICA-  
8 TION.—

9 (A) EFFECTIVE DATE.—The Financial  
10 Stability Oversight Council may begin pro-  
11 ceedings with respect to a bank holding com-  
12 pany under section 113(c)(1) of the Dodd-  
13 Frank Wall Street Reform and Consumer Pro-  
14 tection Act, as added by this subsection, on the  
15 date of the enactment of this subsection, but  
16 may not make a final determination under such  
17 section 113(c)(1) with respect to a bank holding  
18 company before the end of the 1-year period be-  
19 ginning on the date of the enactment of this  
20 subsection.

21 (B) IMMEDIATE APPLICATION TO LARGE  
22 BANK HOLDING COMPANIES.—During the 1-  
23 year period described under subsection (a), a  
24 bank holding company with total consolidated  
25 assets equal to or greater than

1           \$50,000,000,000 shall be deemed to have been  
2           the subject of a final determination under sec-  
3           tion 113(e)(1) of the Dodd-Frank Wall Street  
4           Reform and Consumer Protection Act.

